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Arbitration or war?

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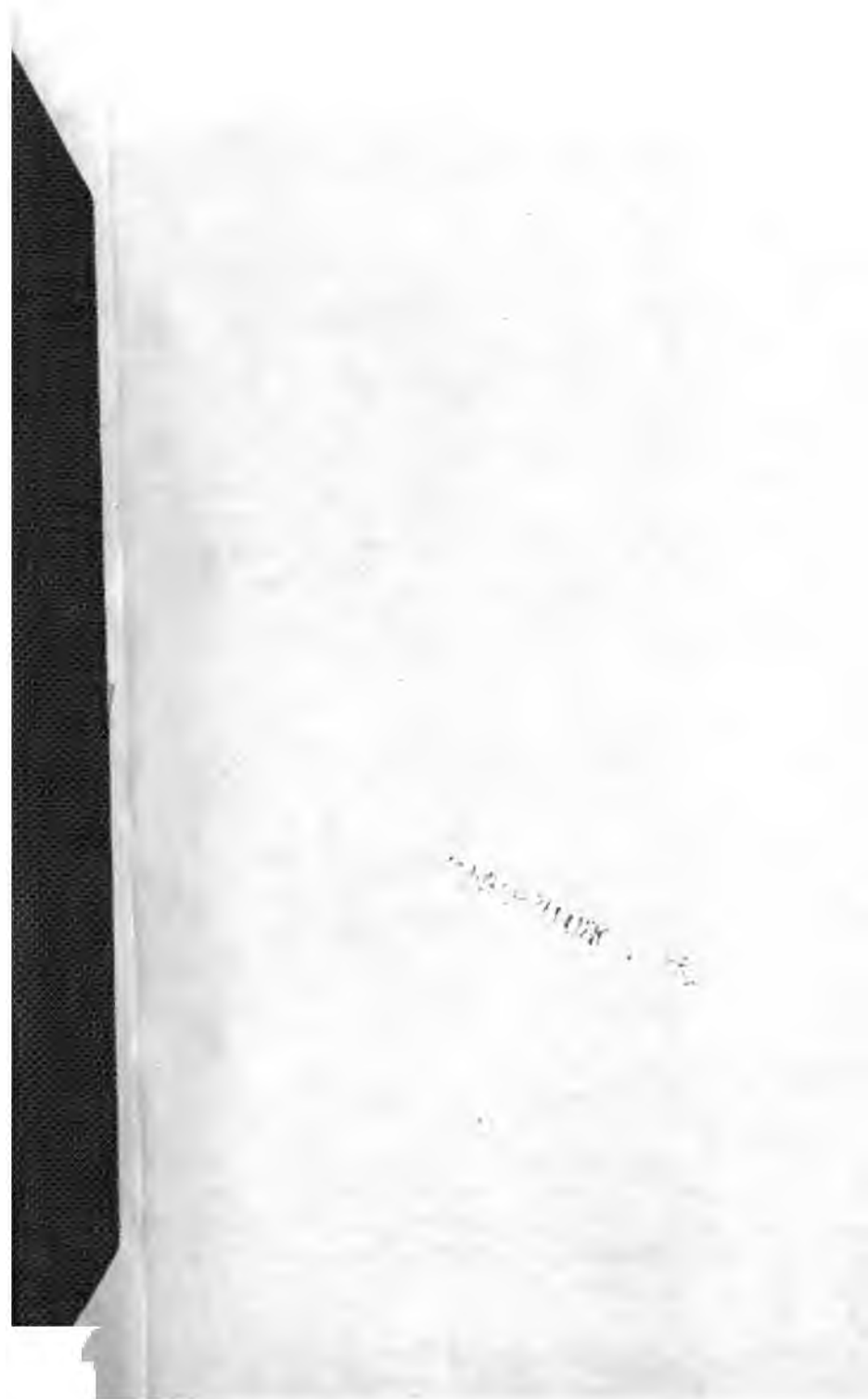
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ARBITRATION OR WAR?

A

View of the Transvaal Question,

WITH A

GLANCE ALSO AT ARBITRATION IN
POLITICS GENERALLY,

FOR AUTHORSHIP, SEE PREFACE.

HOOPER WAR
COLLECTION

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PREFACE.

ABOUT three weeks ago, it occurred to me, who sign this Preface, that there was much needed a plain statement of the Transvaal matter, presenting the grievances, or alleged grievances, of the Uitlanders; and the answer made on behalf of the Transvaal Government, together with the arguments and evidence in support of each, not with any purpose of enabling the British public to form a positive judgment on each and all of the questions raised, but with the purpose rather of showing that there was full reason for going to arbitration rather than to war upon the matter. I found the Transvaal Committee agreed with me; and—having far too slender acquaintance with the matter to write such a statement myself—sought and obtained, by the advice of members of the Transvaal Committee, the assistance of, among others, Mr. R. Douglas Story, who has edited, both in Johannesburg and London, the *Johannesburg Standard and Diggers' News*, and Mr. George Herbert Perris, Editor of *Concordia*, the Journal of the International Arbitration and Peace Association. The greatest part of the contents of the pamphlet has been written by Mr. Story. Of Mr. Perris' assistance I have been unable from pressure of time and circumstances to avail myself as fully as I could have wished. The letters F. P., which may occasionally be found, mean merely myself, whose share in the authorship has been chiefly of a humble sub-editing kind.

FRANCIS PARKER.

3, DR. JOHNSON'S BUILDINGS,
TEMPLE,

1st October, 1899.



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ARBITRATION OR WAR?

A View of the Transvaal Question.

I.—JINGO IGNORANCE.

A BESETTING sin of the Jingo is ignorance—ignorance of causes and ignorance of effects. Had the truth of the Transvaal situation been known, even Fleet Street, in all its recklessness of consequence, would not have dared to urge the present agitation against the Boers. Professional publicists, forced to concern themselves with South African affairs by the dramatic events of the Jameson raid, were under a temptation, to which they almost all yielded, to take the Uitlanders' statements of their position as sufficient data upon which to decide a complicated political problem. But the Uitlanders themselves were ignorant of much that had contributed to the situation, besides being, of necessity, the most prejudiced of chroniclers. The initial misconception has never been eradicated, but has been added to, so that statements which, four years ago, were frankly admitted to be mere assertions, are now accepted, even by the Imperial Government, as facts. From these errors of belief arise many of the difficulties of the Transvaal situation.

II.—BEGINNINGS OF THE PARAMOUNT POWER.

To understand the present situation aright, one must go back far beyond the Conventions of 1881 and 1884 to days when the

founders of the Transvaal State, officially called the South African Republic, were either children in Cape Colony, or were as yet unborn.

"Two centuries ago," writes the Imperialist historian, Froude,*
 "... the Hollanders . . . occupied and settled the southern extremity of Africa. . . . Better colonists, or more successful, did not exist than the Dutch. They throve and prospered, and continued to thrive and prosper till the close of the last century. . . . In the management of uncivilized tribes" . . . the Dutch, "although their rule is stricter than ours, and to appearance harsher, have had fewer native wars than we have had; there has been less violence and bloodshed, and the natives living under them have not been less happy or less industrious." In 1795, Holland having been "seized by the French Directory, the English, at the request of the Prince of Orange, took the Cape under their protection. . . . At the peace of Amiens," in 1802, "it was restored to Holland, and the English garrison was withdrawn. War breaking out again, our occupation was," in 1806, "renewed. . . . The Cape Dutch resisted our invading force under General David Baird, fought a gallant action," and "yielded only in the belief that, as before, the occupation would be temporary, and that their country would be finally given back to them when the struggle was over. It was not given back. At the Congress of Vienna," in 1814-15, "they found themselves transferred permanently to the English dominion without their own consent being obtained or asked for," a convention having, in August, 1814, been signed in London, under which the Cape was to be legally British in consideration of a sum of six million pounds paid to the Prince of Orange for that and certain South American possessions. "They had made the country what it was, had set up their houses there, had done no one any harm, and had been in possession for seven generations. They were treated as *adscripti glebæ*," as mere serfs, "as part of the soil. They resented it; the hotter spirits resisted. They were called rebels, and were shot and hanged in the usual fashion."

"If we had been wise," continues Froude, "we should have tried to reconcile the Dutch to an alien rule by exceptional con-

* "Oceana, or England and Her Colonies," Chap. III. (extending over pp. 37-60 in 2nd Edit., 1886).

sideration. We did make an exception, but not in their favour. We justified our conquest to ourselves by taking away the character of the conquered, and we constituted ourselves the champion of the coloured races against them, as if they were oppressors and robbers. After the peace," slavery (Froude writes "slave emancipation," but there was little of a movement for that until 1821, or later; though as to the slave trade, the principle that that should be abolished as soon as possible was acknowledged at the Congress of Vienna, opened November, 1814—see "Encyclopædia Britannica," article "Slavery") "was the question of the day." The Dutch "were slave-owners, but so were we; we had been sinners alike. We repented, and," in 1833, "voted over twenty millions to clear ourselves of the reproach. We expected that the Dutch should recognise" without more delay than (Froude writes, "as instantaneously as") "ourselves the wickedness of the institution, and because they are a deliberate and slow people, not given to enthusiasm for new ideas, they fell into disgrace with us, where they have ever since remained. They submitted to the emancipation because they could not help themselves," Froude goes on to say (previously remarking that "slavery at the Cape had been rather domestic than predial; the scandals of the West India plantations were unknown among them. The slaves were part of their families, and had always been treated with care and kindness"); and he then adds: "but when the compensation came to be distributed, the terms offered them were so much less favourable than had been allowed to the planters at Jamaica and Barbados, were so unequal in themselves and were embarrassed with so many technical conditions, that many of the Dutch farmers refused to accept them. They dismissed their slaves freely, and to this day have never applied for the moderate sums which they might with difficulty have obtained. It was," Froude continues "not enough to abolish slavery. The enthusiasm of the hour could not tolerate the shadow of it. The Hottentots, then numerous in the colony, had been placed under vagrancy laws like those which prevailed in England up to the reforming era of the present century; like the 'sturdy and valiant beggars' of our statute-book, they were forbidden to wander about the country . . . were forced to remain in one place and work for their living. These laws were

repealed. The Hottentots . . . became a . . . nuisance to the Dutch farmers" ("as yet there were few English settlers outside the towns"). And though, "had the Dutch and the Hottentots been left to themselves, the latter—most of whom came to a bad end—would probably now be surviving, and in a fair way to leading useful lives," instead of having been "carried off by drink and idleness, the Dutch, because they objected to these measures, were regarded in England as slave-owners at heart, as barbarians and tyrants, as illiterate savages, as the real cause of all that had gone wrong. The unfavourable impression of them became a tradition of the English Press, and, unfortunately, of the Colonial Office."

In short—though, as Froude says, "the Cape Dutchman, or Boer, as we call him, is a slow, good-humoured person, not given to politics, occupied much with his religion and his private affairs, and if let alone, with some allowance for his habits and opinions, would have long since forgotten his independence, would have acquiesced in the inevitable, and become the most conservative and least revolutionary of the Queen's subjects"; and though, further, as Froude says, "The Colonial Office would for its own sake long ago have followed a conciliatory policy if free to act by its own judgment," instead of being hindered by the double fact that "Colonial Secretaries have to consider their party in Parliament, and Members in Parliament have to consider their constituents and public opinion," and, in connection therewith, the further fact that Slave Emancipation, being the "special glory of the English people, there was no safer road to public favour than to treat those who were unsound on this greatest of questions as beyond the pale of consideration"—the state of affairs under British rule, so far as it concerned friendly feeling between ourselves and the native-born colonists, a state of affairs which had begun unpromisingly with the abolition of the colonists' legislative and executive council and the substitution of the Governor's personal rule, together with the destruction of the independence of the High Court of Justice, and the illiberal reactionary character generally of our flag in Cape Colony at that period, became worse as time passed by; and the first thirty years of our rule in South Africa (some further features of which are stated in the next section but one) completely repelled the affections of the native-born colonists.

III.—THE GREAT TREK, OR BOER EXODUS.

"Impatient of a yoke which calumny made intolerable,"* nearly ten thousand of them left Cape Colony in 1835 and 1836 to find new homes beyond British territory, as a smaller number had already done many years previously. They in many cases sold their farms for a mere trifle; and in others, from inability to find a purchaser, abandoned them. Packing "their goods into their wagons, and gathering their flocks and herds about them, they struck off for the unknown wilderness to the north of the Orange River. The migration left the home ties unbroken. Each family in the colony sent one or more of its young ones."* Sir Benjamin D'Urban, Governor of Cape Colony at the time of the Great Trek, explained in his despatch relating to the matter, that the emigration was caused by "the insecurity of life and property occasioned by recent measures, inadequate compensation for the loss of the slaves, and the despair of obtaining recompense for the ruinous losses by the Kaffir invasion." Officially, he bore testimony to the character of these voortrekkers as "a brave, patient, industrious, orderly, and religious people, the cultivators, the defenders, and tax contributors of the country." Such were the people who were driven into the wilderness by British prejudice and British maladministration, and who, after migrations which will be shortly stated, settled partly in the Transvaal and partly in the region now called the Orange River Free State.

IV.—BOER UNDER BRITON, & BRITON UNDER BOER.

The present-day Boer of the Transvaal is told that his treatment of the Uitlander is barbarous. Let us, without at present questioning the truth of the statements on which that charge is based, make a rough comparison of the ills which British and other Uitlanders are said to suffer under Boer rule in the Transvaal with those which the Boers suffered under British rule at the Cape.

Taxation without representation is one of the alleged grievous ills of the Uitlander; and yet, when the Boer was a British subject

* Froude's "Oceana," Chap. III., p. 40.

in Cape Colony, he was heavily taxed for the maintenance of a Government in whose appointment he had no voice. The Boer is told that his attempt to enforce the use of Dutch in State-aided Schools is the act of a retrogressive despot; and yet, when he was a child in Cape Colony, there were no State-aided Schools, his language was prohibited in public offices and courts of law, and he was not even permitted to address his memorials to Government in the only language of which he was master. He is charged with having a corrupt Legislature and a tainted Civil Service; in his experience of Cape Colony it was possible to approach the Governor only after liberally bribing those about his person. He is accused of paralysing the Uitlanders' industries by granting monopolies; but such concessions were freely granted by the Governors while he was still domiciled in Cape Colony. He is said to favour a policy "based upon intense hostility to the English-speaking population"; but he fled from British rule with the cry upon his lips: "We complain of the unjustifiable odium which has been cast upon us by interested and dishonest persons, under the name of religion, whose testimony is believed in England to the exclusion of all evidence in our favour." It is alleged that "the status and independence of the Bench have on more than one occasion been attacked"; but, until within eight years of the Boer exodus, the Judges of Cape Colony were wholly subservient to the Governor, who, with the Lieutenant-Governor, formed a Court of Appeal, with power to mitigate or suspend the sentences of the lower Courts. It is charged against him that burghers alone are entitled to be jurymen in the Transvaal; but, although the Boers were burghers of Cape Colony, they were excluded from the jury box because of their inability to speak English, and this although prisoners and witnesses spoke no other tongue than Dutch.

V.—MIGRATIONS, FORCED & OTHER.

"The history of the emigrants," writes Froude,* "repeats our own history wherever we have settled . . . in new countries inhabited already by an inferior race. Before they went they

* "Oceana," Chap. III., pp. 40, 41.

established communications with various tribes, who agreed to receive them. They were welcome to some, they were unwelcome to others. Disputes arose about land and stolen cattle. There were collisions, and massacres, called treacherous, avenged by wars and fresh acquisitions of territory, till they became possessors of all the country now known as the Orange Free State, the Transvaal, and Natal. In England, it was represented that they were carrying fire and sword among the innocent natives. Aborigines of other tribes might suffer; we were sorry, but we could sit still. But there was something in the illtreatment of a negro which fired the English blood. We decided that the Boers could not escape their allegiance by going out of the Colony," and that, be it added to Froude's account, though they had been made English subjects by circumstances over which they had no control.

When a section of the emigrants settled in Natal (the chief town of which, Pietermaritzburg, takes its name from those of two of the Boer leaders, that is to say, from the Christian name of one leader, Pieter Retief, and the surname of another leader, Maritz), England refused to recognize their independence, and sent a force to take possession of the country. This force, under Captain Smith, was defeated, but Colonel Cloete brought up reinforcements and conquered the emigrants, proclaiming Natal a British Colony in 1843. The majority of the Boers again abandoned their farms, and crossed the Drakensberg mountain-range into the country between the Orange River and the Vaal River, where another section of the emigrants had, on June 6th, 1837, constituted themselves a Republic with a primitive Constitution of nine Articles.

In 1845, when troubles had occurred, and threatened to recur, between the Boers thus established in the Orange River country and the Griquas, Great Britain, by Sir P. Maitland, Governor of Cape Colony, intervened; "and on this occasion," writes Dr. G. B. Clark,* "the Government was led to believe that the Boers desired intervention." "Major Warden was appointed to take charge of the territory, but the Boers soon convinced Major Warden that they did not desire his rule. They, . . . under A. W. Pretorius, marched to Bloemfontein, and compelled Major Warden to capitulate and retire with his troops." Pretorius was afterwards, together with allies from among Boers who had trekked

* *Fortnightly Review*, August 1, 1883, p. 280.

farther north and had crossed the Vaal River, defeated at Boomplatz by a force under Sir Harry Smith, and Major Warden was reinstated. "Pretorius, with a large section of the Boers, retired to the north of the Vaal River and settled there," where also, as just indicated, others of the Boer emigrants had previously settled. "Letters patent were issued by the Crown, in March, 1851," formally "annexing the Orange River Territory;" which had, some time previously, been declared by Sir Harry Smith to be British territory, under the name of the Orange River British Sovereignty.

British administration of the Territory, or Sovereignty as it was called, resulted in nothing better than a disastrous feud with the Basutos.

The Transvaal Boers were preparing to come south to aid the anti-British section of the Orange River men, when Sir Harry Smith formally acknowledged the independence of the Transvaal, and guaranteed in the fullest manner, on the part of the British Government, "to the emigrant farmers beyond the Vaal River, the right to manage their own affairs and to govern themselves according to their own laws, without any interference on the part of the British Government, and that no encroachment should be made by the said Government on the territory north of the Vaal River." That was by the Sand River Convention of 17th January, 1852.

February, 1854, saw the withdrawal (in pursuance of a policy adopted by Earl Grey in the course of 1851, and acted upon by Colonial Secretaries who, under Lord Derby's Ministry and Lord Aberdeen's Coalition Ministry, succeeded him) of British claims over the Orange Territory, and the formation of the Orange River Free State.

By our treaty with the Transvaal people (who had taken the name of the South African Republic) and also by that with the Orange River Free State, we bound ourselves to interfere no more between the Boers and the natives. They, on their side, undertook not to re-establish slavery; "and so," writes Froude, "we left them either to establish themselves as a barrier between ourselves and the interior of Africa, or to sink, as was considered most likely, in an unequal struggle with warlike tribes by whom they were infinitely outnumbered."*

* "Oceana," p. 41.

VI.—RELATIONS OF BOERS WITH BRITONS, & BOERS WITH BLACKS, FROM 1854 TO 1871.

"With an exception which," says Froude,* "I shall presently notice, these treaties were observed for seventeen years, and the land had rest from its misfortunes. Our own border troubles ceased; the colony was quiet and had no history. The new States did not sink, but prospered. The Boers spread over a territory as large as France. They arranged their disputes with the natives with little fighting. In the Transvaal, a million of natives lived peaceably in the midst of them, working with them and for them. By far the most thriving native location which," continues Froude, "I myself saw in South Africa was close to Pretoria." The Boers "were rough, but they had rude virtues, which are not the less virtues because in these latter days they are growing scarce. They are a very devout people, maintaining their churches and ministers with excessive liberality." (The word "excessive" is Froude's, not ours.) "Their houses being so far apart, they cannot send their children to school, and generally have tutors for them at home. . . The Boers of South Africa, of all human beings now on this planet, correspond nearest to Horace's description of the Roman peasant soldiers who defeated Pyrrhus and Hannibal. There alone you will find obedience to parents as strict as among the ancient Sabines; the *severa mater* whose sons fetch and carry at her bidding, who, when those sons go to fight for their country, will hand their rifles to them and bid them return with their arms in their hands—or else not return at all."

"They rule after their own pattern. They forbid idleness and indiscriminate vagrancy. They persuade, and, when they can, compel the blacks to cultivate the ground and be industrious. They give them no votes for the Volksraad. They do not allow them even to own the freehold of land, except under white trustees, lest they should introduce their old tribal tenures and confound the law. But, on the whole, the management has not been unsuccessful. There have been no risings of blacks against whites in the Transvaal. Authority has been sustained without panics, and without severity. Such scenes as the destruction of

* "Oceana," pp. 41, 42.

Langalabele's tribe in Natal, or the massacre at Koegas, which disgraced the Cape Colony in 1878, have never been paralleled in the Dutch independent States. They could not, however," Froude continues,* "earn the confidence of the English Government. Perhaps their unexpected success was an offence. Their methods were not our methods, and were easily misrepresented. Stories were told—untrue generally, but not wholly without foundation—of Boers on the borders of the Transvaal kidnapping native children, or purchasing them of plundering tribes, and bringing them up as slaves under the disguise of apprentices. The Transvaal Government severely and successfully reprovved these proceedings. I say successfully, because, in the years during which the Transvaal was again a British province, cases would have been brought to light had any then existed, and not a single child was discovered in the condition described. Yet these practices were reported to England as ascertained facts, and were honestly believed. The Boers were held to have broken their engagement They were left, however, materially undisturbed. The English Government was in no haste to meddle again Unhappily, the feeling in England continued to be irritated against them by reports not entirely honest and an occasion arose which" gave opportunity "to force a renewal of interference," one in 1869, in favour of the Basutos against the Orange River Free State. "It was, however, a single act; the non-intervention policy was still to be maintained as a whole The treaty of 1852 was renewed at Aliwal North, in 1869, with fresh assurances that the breach of it should not be made a precedent for further interpositions."

VII.—STOLEN DIAMOND FIELDS.

"Perhaps," says Froude,† "there would not have been" any further breach "had no new temptation come in our way. But . . . diamonds were discovered in large quantities in a district which we had ourselves treated as part of the Orange Territory before our first withdrawal, and which had ever since been administered by Orange Free State magistrates. There was a rush of diggers from all parts of the country. There

* "Oceana," p. 43.

† Ibid., p. 45.

was a genuine fear that the Boers would be unable to control the flock of vultures which was gathering over so rich a prey. There was a notion also that the finest diamond mines in the world ought not to be lost to the British Empire. It was discovered that the country in which it lay was not part of the Free State at all, and that it belonged to a Griqua chief named Waterboer. This chief in past times had been an ally of the English. The Boers were accused of having robbed him. He appealed for help, and, in an ill hour, we lent ourselves to an aggression for which there was no excuse. Lord Kimberley gave his name to the new settlement. The Dutch were expelled. They did not resist, but they yielded under protest to superior force, and from that day no Boer in South Africa has been able to trust to English promises. The manner in which we acted, or allowed our representatives to act, was insolent in its cynicism. We had gone in as champions of the oppressed Waterboer. We gave Waterboer and his Griquas a tenth of the territory. We kept the rest and all that was valuable for ourselves. . . . We have accused" the Dutch "of breaking their engagements with us, and it was we who taught them the lesson. . . . Our conduct would have been less entirely intolerable if we had rested simply on superior force—if we had told the Boers simply that we must have the diamond fields, and intended to take them; but we poisoned the wound, and justified our action by posing before the world as the protectors of the rights of native tribes whom we accused them of having wronged, and we maintained this attitude through the controversy which afterwards arose. I had myself," continues Froude,* "to make inquiries subsequently into the details of this transaction, perhaps the most discreditable in the annals of English Colonial history."

VIII.—ANNEXATION OF THE TRANSVAAL IN 1877.

In 1876 the "South African" (or Transvaal) "Republic" was involved in a war with Sekukuni, chief of the Bapedi tribe; and a reverse sustained by the Boers gave the British Government an excuse to send Sir Theophilus Shepstone into the Transvaal as a Commissioner with authority to annex the country, "provided that no such proclama-

* "Oceana," p. 46 of edition cited (the 2nd, 1886).

tion shall be issued by you with respect to any district, territory, or State, unless you shall be satisfied that the inhabitants thereof, or a sufficient number of them, or the Legislature thereof, desire to become Our subjects." Sir Theophilus entered Pretoria in January, 1877, and informed the Executive Council that he was about to inquire into matters, as the Republic, through its weakness, had become a source of danger to itself and its neighbours. In his despatch to Lord Carnarvon, the then Secretary of State for the Colonies, he stated that "Mr. Paul Kruger, who is a member of the Executive Council, and the only opponent of Mr. Burgers for the position of President, does not object to the discussion of the causes which are said to provide insecurity or inconvenience to neighbouring States or Governments, but positively declines to enter upon the discussion of any subject that may involve in any way the independence of the State as a Republic." The position then assumed by Mr. Kruger has been consistently maintained in all his diplomatic dealings with this country.

A Commission of four—two British and two Boer representatives—was appointed to inquire into matters. While the Commission was sitting, news of the settlement of the dispute with Sekukuni arrived; and the Commission was thus robbed of its *raison d'être*: Sir Theophilus, however, was not to be balked, and on April 12, 1877, he annexed the Transvaal in the name of Her Majesty the Queen; and there was given to it the name of "the Transvaal Territory."

The annexation was a gross breach of the Convention of 1852, and a transgression of Shepstone's instructions. The Boers had their independence filched from them, and, in tones not loud but deep, spoke of war. Mr. Kruger used his great personal influence on the side of peace, assured his compatriots that the situation was not understood in England, and offered to go himself to lay the matter before Her Majesty's Government. In the company of Dr. Jorissen he journeyed to England, and laid the Boer protest before Lord Carnarvon. His statements were doubted, and he returned to the Transvaal for proofs that British rule was distasteful to the people. In July, 1878, Mr. Kruger laid before Sir Michael Hicks Beach, the Secretary of State for the Colonies, a petition, "signed by 6,591 out of a possible 8,000 electors," in favour of independence. Sir Michael Hicks Beach's

reply was, "It is impossible, for many strong reasons, that the Queen's sovereignty should be withdrawn." To all the Boer representations the same reply was returned: "The annexation cannot be discussed." Sir Michael shut his eyes to the terms of the Convention of 1852 as tightly as Mr. Chamberlain has done against the terms of the Convention of 1884. It was in April, 1880, before ever he was in power, that Mr. Gladstone made his famous criticism of the annexation:—"Moreover, I would say this, that if these acquisitions (Cyprus and the Transvaal) were as valuable as they are valueless, I would repudiate them, because they are obtained by means dishonourable to the character of our country." These words were spoken ten months before the disaster of Majuba Hill, and afford an honest appreciation of the situation, uninfluenced by the political conditions that afterwards served to complicate the issue.

IX.—TRANSVAAL WAR OF INDEPENDENCE, 1880-81.

For three years, from April 12th, 1877, till Dingaan's Day, December 16th, 1880, Paul Kruger held the Boers back from active resistance, counselling them to have faith "in the justice of the British Government." On that date, however, the Boer flag, the *vierkleur*; was raised at Paardekraal, and Kruger, Joubert, and Pretorius were appointed a Committee of Government. Of the events of the Boer war it is unnecessary to speak here. They are only too well remembered on both sides. One remark of Lord Randolph Churchill's, in his estimate of "Cape Politics," may, however, be quoted as pointing the moral most applicable to the present situation:—"Better and more precise information, combined with cool reflection, leads me to the conclusion that, had the British Government of that day taken advantage of its strong military position, and annihilated, as it could easily have done, the Boer forces, it would, indeed, have regained the Transvaal, but it might have lost Cape Colony. The Dutch sentiment in the Colony had been so exasperated by what it considered to be the unjust, faithless, and arbitrary policy pursued towards the free Dutchmen of the Transvaal, that the final triumph of the British arms, mainly by brute force, would have permanently and hopelessly alienated it from Great Britain."

X.—THE "THIRD PROCLAMATION."

The battle of *Mujuba Hill* was fought on Sunday, February 27th, 1881. In the peace negotiations which followed, and which had considerably before the battle of *Majuba Hill*, been preceded by certain overtures on the part of the British Government, Lord *Kimberley*, then Secretary of State for the Colonies, tried to induce the Boers to submit their case unreservedly to a Royal Commission. On the evening of Sunday, the 20th of March, 1881, after service, the Boers gathered around Mr. *Kruger*, President *Brand* of the Free State, and Dr. *Jorissen*. Dr. *Jorissen* read aloud the solemn "Third Proclamation," with its quotation from the historical saying of William of Orange, "Rather a ruined country than no country," and its declaration, "If you will have our country, take it; but it shall be over our bodies and the ash-heaps of our property and goods." In that spirit the Boers next morning met Sir *Evelyn Wood*, Sir *Redvers Buller*, and their colleagues. The British representatives recognised the honesty of the Boer objections to Lord *Kimberley's* proposals, and signed a protocol defining the terms of peace. The injustice of Sir *Theophilus Shepstone's* annexation appeared to have been wiped out by an honest and manly undoing.

XI —THE PRETORIA CONVENTION, 1881.*

Unfortunately, that appearance did not, to the mind of the Boers at all events, long fully continue.

The Convention which was drawn up in sequel to the protocol, and signed at Pretoria on 3rd August, 1881, was, so far as is

* Full text printed in *Hertslet's Collection of Treaties and Conventions* (called somewhat loosely "*Hertslet's Commercial Treaties*"), vol. xv., pp. 401–413; also in *Blue Book C—3114*, Feb., 1882, price 10s. (Report of the Commissioners for Settlement of the Transvaal Territory), pp. 37–44; also in *Blue Book C—2998*, August, 1881, price 1d. (Convention for the Settlement of the Transvaal Territory), but in this last publication with a warning that it is printed from telegrams. The terms of this warning-note are for more than one reason worth giving in full: "Note.—This paper, containing the Articles of the Convention as telegraphed from time to time by the Royal Commission, is believed to be complete; but until a certified copy of the Convention as actually signed has been received, its absolute accuracy cannot be guaranteed." Observe (1) the warning against depending for absolute accuracy upon telegrams; (2) that, inasmuch as this print of the

material to state, as follows:—An unnumbered preliminary, or introductory, or initial clause or article, which has recently been generally called the preamble, ran: "Her Majesty's Commissioners . . . undertake and guarantee . . . that from and after the 8th day of August, 1881, complete self government, subject to the suzerainty of Her Majesty. Her Heirs and Successors, will be accorded to the inhabitants of the Transvaal Territory, upon the following terms and conditions, and subject to the following reservations and limitations."

Article I. was concerned with boundaries.

"II." ran: "Her Majesty reserves . . . (a) the right to appoint a British Resident, with such . . . functions as are hereinafter defined; (b) the right to move troops through the . . . State in time of war; and (c) the control of the external relations of the State, including the conclusion of treaties and the conduct of diplomatic intercourse with foreign Powers, such intercourse to be carried on through Her Majesty's diplomatic and consular officers abroad.

"III.," after saying that existing laws of the territory, so far as consistent with the Convention, were to remain till altered, ran: "Provided that no future enactment specially affecting the interests of natives shall have any force without the consent of Her Majesty . . . signified through the British Resident . . ."

"IV.—On 8th August, 1881, the Government of the State will be handed over to" Messrs. Kruger, Pretorius, and Joubert, who will summon a Volksraad.

V. to IX. related to punishment of and compensation for acts contrary to civilized war done during the hostilities, or the like.

Convention commences with that preliminary, or introductory, or initial part, which has, in recent discussions, been generally called the Preamble, the Government Department—the Colonial Office—by whom this paper presented to Parliament was prepared, evidently deemed that Preamble, or preliminary, or introductory, or initial part of the Convention, to be one of or part of "the Articles of the Convention," a deeming which seems fit to be attended to when the effect upon the Pretoria Convention, 1881, of the London Convention, 1884, is under consideration. There seems to be no other separate, officially-published print of the Pretoria Convention, 1881, than that telegram-founded print—at least I have not in the Index to the Parliamentary Papers for the years 1880-89 found any such. And whether that telegram-founded print happens to be absolutely accurate, or does not happen so to be, I do not know.

R. P.

X. and XI. related to State debts.

"XII.—. . . . No person who has remained loyal to Her Majesty during the recent hostilities shall suffer any molestation by reason of his loyalty"

XIII. and XIV. related to land and other rights of the natives.

"XV.—. . . . No slavery, or apprenticeship partaking of slavery, will be tolerated by the Government of the said State."

"XVI.—There will continue to be complete freedom of religion . . ."

XVII. related to protection of graves of men who had fallen in the fighting between the British and the Boers.

"XVIII.—The following will be the . . . functions of the British Resident :—

"(1) He will perform functions analogous to those discharged by a Chargé d'Affaires and Consul-General.

"(2) In regard to natives within the Transvaal State, he will (a) report to the High Commissioner, as representative of the suzerain, as to the working and observance of the provisions of this Convention; (b) report to the Transvaal authorities any cases of ill-treatment of natives, or attempts to incite natives to rebellion, that may come to his notice; (c) use his influence with the natives in favour of law and order; and (d) generally perform such other duties as are by this Convention entrusted to him, and take such steps for the protection of the persons and property of natives as are consistent with the laws of the land.

"(3) In regard to natives not residing in the Transvaal (a) he will report to the High Commissioner and the Transvaal Government any encroachments reported to him as having been made by Transvaal residents upon the land of such natives, and, in case of disagreement between the Transvaal Government and the British Resident as to whether an encroachment has been made, the decision of the suzerain will be final; (b) the British Resident will be the medium of communication with native chiefs outside the Transvaal, and, subject to the approval of the High Commissioner as representing the suzerain, he will control the conclusion of treaties with them; and (c) he will arbitrate upon every dispute between Transvaal residents and the natives outside the Transvaal as to acts committed

beyond the boundaries of the Transvaal which may be referred to him by the parties interested.

"(4) In regard to communications with foreign Powers, the Transvaal Government will correspond with Her Majesty's Government through the British Resident and the High Commissioner."

XIX. and XX. made provision in relation to boundaries and acts beyond, or extending beyond, the boundaries.

"XXI. to XXIII. . . . A Native Location Commission will be constituted. . . ."

XXIV.—Independence of Swazis was to be recognized.

XXV. related to import duties and the like.

"XXVI.—All persons, other than natives, conforming themselves to the laws of the Transvaal State (a) will have full liberty . . . to enter, travel, or reside in any part of the Transvaal State; (b) they will be entitled to hire or possess houses, manufactories, warehouses, shops and premises; (c) they may carry on their commerce either in person or by . . . agents . . . ; (d) they will not be subject to any taxes, whether general or local, other than those which are or may be imposed upon Transvaal citizens."

"XXVII.—All inhabitants of the Transvaal shall have free access to the Courts of Justice for the prosecution and defence of their rights."

"XXVIII.—All persons, other than natives, who established their domicile in the Transvaal between 12th April, 1877, and the date when this Convention comes into effect, and who shall within twelve months . . . have their names registered by the British Resident, shall be exempt from all compulsory military service whatever. The Resident shall notify such registration to the Government of the Transvaal State."

XXIX. related to extradition.

XXX. related to currency in which certain debts were to be paid; also to revenue and postage stamps issued since annexation, or like matters.

XXXI., after saying that grants of land made since annexation were not to be thereby invalidated, said: "All transfers to the British Secretary for Native Affairs in trust for natives will remain in force, the Native Location Commissioners taking the place of such Secretary for Native Affairs."

XXXII.—This Convention was to be null and void unless ratified by the Volksraad within three months.

XXXIII.—On ratification, the British troops were to evacuate the country.

With regard to the words "suzerainty" and "suzerain" used in the Convention,—the former, in its introductory clause or Article, which has recently been commonly called its "Preamble," and the latter in its numbered Articles, or one of them, viz., Article XVIII., Clauses (2) (a) and (3) (a) and (b),—we may conveniently remark here that Lord Kimberley, in the instructions dated March 31, 1881, which, as Secretary of State for the Colonies, he sent to Sir Hercules Robinson, as High Commissioner and intended chief member of the Commission for settlement of the Transvaal Territory soon afterwards appointed (by instrument dated 5th April, 1881), wrote: "The term 'suzerainty' has been chosen as most conveniently describing superiority over a State possessing independent rights of government, subject to reservations with reference to certain specified matters." By this definition, the Secretary of State for the Colonies expressly excluded himself and his successors from using the term "suzerainty" in any accepted legal sense, or as extending beyond powers enumerated in the Convention. This is a matter of great importance in the light of recent claims to, or suggestions that we should, deal with the South African Republic as a rebellious vassal instead of a hostile State, and answers all such, and kindred, claims and suggestions, apart from other answer to them.

XII.—A SHADOWY INDEPENDENCE.

The Boers before long came to feel strongly that the Convention of 1881, which from the first was never fully satisfactory to them, granted them the merest shadow of the independence they so passionately desired, and that its provisions were irritating and unworkable. They felt that they were far indeed from having had restored to them what they possessed before their country was snatched from them by Sir Theophilus Shepstone in 1877. They had from the first objected to the name given in 1881. "The Transvaal State," as being much too like the name, "The Transvaal Territory," given on annexation, and had desired restoration of the

name "South African Republic,"—a name which we, or at least one of us, in passing cannot help saying seems, as not being self-explanatory, less apt than would be "Transvaal Republic." They objected still more strongly to the expression, "suzerainty," and to certain other contents of the Convention. Accordingly, in the Spring of 1883, Dr. Jorissen was despatched to England to find out from Lord Derby, the Secretary of State for the Colonies, whether he was prepared to receive a deputation from the Transvaal to suggest alterations in the Convention of 1881. The reply was favourable; and a deputation, consisting of President Kruger, the Rev. S. J. Du Toit and General Nicolaas Smit, set out for England. They arrived in London in November, and laid before Lord Derby a statement of their case. This statement (Blue Book C—3974, Mar., 1884, pp. 2–5) set forth that the Convention of 1881 was "a unilateral document, framed by a Royal Commission," in the framing of which the Boers had no part; that the representations of the Boers were disregarded by the Commissioners; that the Convention did not satisfy the conditions of peace; that it was not suited to be a permanent document; that the Volksraad adopted its principles in order to stay bloodshed; and that, in working, its provisions had proved to be a failure. The deputation laid particular stress upon the impracticability of the provisions for the settlement of the Western boundary; the inconvenience and injustice of the suzerain rights reserved to Her Majesty; the evil to the natives, as well as to the Boers, of the necessity imposed upon the Transvaal of submitting all legislation relating to natives to Her Majesty; and the injustice of the financial burdens laid upon the State.

XIII.—GENERAL SCOPE OF THE LONDON CONVENTION, 1884.*

The definite result of the visit of the deputation to London, was the Convention of 1884. The scope of this, the London Convention, may be best understood from the letter sent by Lord Derby to the

* Full text printed in "Hertslet," vol. xvii., p. 12 *et seq.*; also in Blue Book C—2914, February, 1884, price 2*d.* (text in both English and Dutch); also in Blue Book C—3947, March, 1884, price 1*s.* 9*d.* (Correspondence respecting the Convention of February 27th, 1884), pp. 47–58, where, as in C—3914, both English and Dutch are given. For an abstract of the Convention, see next section.

Transvaal Deputation on February 15th, 1884,* and which forms one of the most important State Documents in the present controversy. In the course of this explanatory communication, Lord Derby says:—"The progress which has been made appears to me to render it convenient that I should now transmit for your perusal a draft† of the new Convention which Her Majesty's Government propose in substitution for the Convention of Pretoria. In this draft, the Articles of the Convention of Pretoria which will be no longer in force, have been printed alongside of the proposed new Articles, and where an Article is retained and altered, the alterations have been shown in order to explain clearly the changes which will be made. You will find that in the draft, and the map which accompanies it, the conclusions which have been arrived at in the course of our communications have been closely adhered to and accurately expressed, and I trust you will experience no difficulty in understanding and agreeing to each of its provisions. If, however, there should be any point as to which you are doubtful, it may be convenient that you should again meet me here, and receive such further explanations as may be desirable.

"It does not appear to me to be necessary that I should refer in detail to each Article of the draft. You will observe that, in the preamble and throughout the Convention, the wish of your Government that the designation 'South African Republic' should be substituted for 'Transvaal State' has been complied with. In the first Article the extension of the Western boundary is precisely defined as agreed to. By the omission of those Articles of the Convention of Pretoria which assigned to Her Majesty and to the British Resident certain specific powers and functions connected with the internal government and the foreign relations of the Transvaal State, your Government will be left free to govern the country without interference, and to conduct its diplomatic intercourse, and shape its foreign policy, subject only to the requirement embodied in the fourth Article of the new draft that any treaty with a foreign State shall not have effect without the approval of the Queen." Such is the letter which binds the British Government in all its

* Blue Book C—3947, pp. 43-44.

† "Not printed," says the Blue Book, p. 43 n., but see Dr. Leyds' despatch, Section LIII. of this pamphlet, at p. 79.

references to the London Convention of 1884, and which induced the Transvaal deputation to report to the Volksraad that the claim to suzerain power had absolutely disappeared from the Convention; and that the independence of the Transvaal was at last a reality and not a shadow.

XIV.—ABSTRACT of the LONDON CONVENTION, 1884.*

The following are the terms, so far as material, of this Convention, as it appears in "Hertslet":—

"Convention between Great Britain and the South African Republic in substitution of the Convention of August 3, 1881, for the Settlement of the Transvaal Territory. Signed at London, February 27, 1884."†

"Whereas the Government of the Transvaal State . . . have represented that the Convention signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad . . . on the 25th of October, 1881, contains . . . provisions which are inconvenient, . . . and that the south-western boundaries . . . should be amended . . . and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has been pleased to take the said representations into consideration: Now therefore Her Majesty has been pleased to direct, and it is hereby declared, that the following Articles of a new Convention signed on behalf of Her Majesty . . . and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic) shall, when ratified by the Volksraad, . . . be substituted for the Articles embodied‡ in the Convention of 3rd August, 1881, which latter, pending such ratification, shall continue in full force and effect.

"Article I.—The territory of the South African Republic will embrace" (boundaries are then stated).

"II.—The Government of the South African Republic will strictly adhere to the boundaries. . . . Her Majesty's Government will, if necessary, appoint Commissioners in the native territories outside the eastern and western borders of the South African Republic to

* Full text printed in publications referred to in a note to preceding section.

† "Signed also in the Dutch language."

‡ Will some one acquainted with the Dutch language, and with Dutch legal instruments, say what is the real force of the word *vervat*, which in our Blue Books C—3914 and C—3947 appears as the Dutch word answering to "embodied"? —F. P.

maintain order and prevent encroachments. Her Majesty's Government and the Government of the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary . . . and the President of the Orange Free State shall be requested to appoint a referee, to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article, and the decision of such referee thereon shall be final. .”*

“ III.—If a British Officer is appointed to reside at Pretoria, or elsewhere within the South African Republic, to discharge functions analogous to those of a Consular Officer, he will receive the protection and assistance of the Republic.

“ IV.—The South African Republic will conclude no treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen.

“ Such approval shall be considered to have been granted if Her Majesty's Government shall not, within six months after receiving a copy of such treaty (which shall be delivered to them immediately upon its completion), have notified that the conclusion of such treaty is in conflict with the interests of Great Britain or of any of Her Majesty's possessions in South Africa.”

V. and VI. relate, as did Articles X. and XI. of the Convention of 1881, to State debts.

“ VII.,” which is to the same effect as was Article XII of the Convention of 1881, says: “ All persons who held property in the Transvaal on the 8th day of August, 1881, and still hold the same, will continue to enjoy the rights of property which they have enjoyed since the 12th April, 1877. No person who has remained loyal to Her Majesty during the late hostilities shall suffer any molestation by reason of his loyalty; or be liable to any criminal prosecution or civil action for any part taken in connection with such hostilities; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.”

* “ See ‘ Award of Referee appointed by the President of the Orange Free State,’ page 34,” i.e., of Hertslet, vol. xvii.

"VIII.—The South African Republic renews the declaration made in the Sand River Convention, and in the Convention of Pretoria, that no slavery, or apprenticeship partaking of slavery, will be tolerated by the Government of the said Republic."

"IX.," corresponding to Article XVI. of the Convention, 1881, says: "There will continue to be complete freedom of religion . . . and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds."

"X.," = Article XVII. of 1881, says: "The British Officer appointed to reside in the South African Republic will receive every assistance . . . in making due provision for . . . care . . . of the graves of such of Her Majesty's forces as have died in the Transvaal."

"XI."—This Article, like Article XX. of 1881, relates to invalidation of Transvaal grants of land outside the boundary.

"XII.," answering to Article XXIV. of 1881, says: "The independence of the Swazis within the boundary of Swaziland . . . will be fully recognised."

XIII., like Article XXV. of 1881, contains stipulations as to import duties.

"XIV.," = Article XXVI. of 1881, says: "All persons, other than natives, conforming themselves to the laws of the South African Republic (a) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (b) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (c) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (d) they will not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic."

"XV.," = Article XXVIII. of 1881, "All persons, other than natives, who established their domicile in the Transvaal between 12th April, 1877, and 8th August, 1881, and who within twelve months after such last-mentioned date have had their names registered by the British Resident, shall be exempt from all compulsory military service whatever."

"XVI.—Provision shall . . . be made . . . for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's forces."

"XVII.—All debts contracted between 12th April, 1877, and 8th August, 1881, will be payable in the same currency in which they may have been contracted."

"XVIII.—No grants of land . . . between 12th April, 1877, and 8th August, 1881, will be invalidated by reason merely of their having been made . . . between such dates. All transfers to the British Secretary for Native Affairs in trust for natives will remain in force, an officer of the South African Republic taking the place of such Secretary for Native Affairs."

"XIX.—The Government of the South African Republic will engage faithfully to fulfil the assurances given . . . to the natives at the Pretoria Pitso* . . ."

"XX.—This Convention will be ratified by a Volksraad of the South African Republic within . . . six months after its execution, and in default . . . shall be null and void."†

"Signed in duplicate in London, this 27th day of February, 1884.

"HERCULES ROBINSON,

"S. J. P. KRUGER,

"S. J. DU TOIT,

"N. J. SMIT."

XV.—THE ONE OPERATIVE CONVENTION.

In accord with the assurances explicitly conveyed to the Transvaal Deputation by Lord Derby's letter of February 15th, 1884, the only limitations of independence imposed upon the Boers under the "new" Convention, 1884, were those contained in the provision embodied in Article IV., that a treaty with a foreign power, other than the Orange River Free State, or with any native tribe to the east or west, should be without effect if disapproved of within six months by the British Government as being in conflict with British interests. There is, be it noted, much significance in that phrase of Lord Derby's, "the new Convention which.

* A native word for Conference.

† "Ratified by resolution of the Volksraad of August 8th, 1884."

Her Majesty's Government propose in substitution for the Convention of Pretoria." In it lies a sufficient refutation of all Mr. Chamberlain's claim to view the situation in the light of "the Conventions between the two countries." There is but one operative Convention—that is to say, according to Lord Derby, who framed it, and Sir William Harcourt, who was Home Secretary in the Ministry that authorised it, the London Convention of 1884. Sir William Harcourt, speaking at New Tredegar, on the 20th September, 1899, emphasised his sense of responsibility in this matter, and showed how treacherous is Mr. Chamberlain's memory in dealing with the significance of the Convention of 1884. Sir William Harcourt said, and his testimony would be accepted in any international court of inquiry into the interpretation of the Conventions:—

"I shared with Mr. Chamberlain, in Mr. Gladstone's great Government of 1880,* the responsibility of framing the Constitution of that State (the Transvaal). For that Constitution he and I, and all of that Cabinet, are equally responsible. We are responsible for the precise definition of its rights and its obligations, and it is my duty to set forth before you the facts as they are present to my mind, and to assist you, my constituents, in forming a just judgment on the question. I am not a volunteer in this matter. I am one of those who were publicly responsible for the settlement that was made between the British nation and the Government of the Transvaal, and it is in that capacity that I claim to speak There was not to be a modification of the Convention, but there was to be a new Convention."

The Transvaal Deputation returned to Pretoria, after a round of important visits to the principal capitals of Europe, secure in the assurance that Britain had returned to them, in all essentials, the independence they had exiled themselves to gain and had shed their blood in struggles to retain and to regain.

XVI.—A DISCONCERTING FACTOR.

When, on February 27th, 1884, Paul Kruger saw the attainment of his life's ambition in the formal recognition of the South African Republic, he had reason to congratulate himself upon the successful

* Which, be it remembered, lasted beyond 1884.

issue of a career of unusual stress and hardship. The struggle for independence, which had occupied the minds of the people's leaders for over forty years, was ended; and, with its conclusion, came, or seemed to come, that opportunity for repose which had hardly before fallen to the lot of a Boer statesman. With a territory assured to them rich enough to satisfy their wants, but not to tempt envious interference from without, the farmers saw no prospect of any problem more serious than the suppression of a Zulu or Matabele-raid disturbing the even course of their placid political life. But, just when Paul Kruger was thus felicitating himself on the permanent expulsion of the most harassing element in the commonwealth's affairs of State, he was brought face to face with a situation more irritating, more complex, than any that had presented itself under the old régime. The discovery of gold, in remunerative quantity and position, removed for ever that sense of security which the seeming poverty of their possession had given the settlers, and, at the same time, filled the Republic with an ever-increasing population, composed of all nations, and united only in their common discontent with the simple measures which had sufficed for the guidance of the pastoral community.

Thus, unexpectedly, the slow-minded Boers found the whole design of their national policy defeated. Whereas they had aimed at so encysting themselves—so encasing themselves in a living cell of their own—as to preserve those principles which to them were paramount, maintaining their national existence almost entirely from internal sources, and considering foreign opinion only in so far as concerned the avoidance of all cause of offence with the Powers beyond their borders, they now found it imperative so to alter their entire economy as to depend chiefly on external sources for their maintenance, and to frame their laws with due regard for a heterogeneous, polyglot, foreign population with whose principles and requirements they were most imperfectly acquainted.

XVII.—THE GOLD RUSH.

Already in the early seventies gold in quartz reefs had been discovered in the neighbourhood of Barberton, on the western border of the Transvaal. In the course of a few years a thriving

township was formed there, and gold mining became an established industry of the State. The influx of aliens did not, however, seriously affect political conditions until after the gold-bearing properties of the conglomerate reefs upon the Witwatersrand had been recognised, which happened in 1885. In the course of 1886, sufficient machinery was erected to show that gold existed in the proportion of about 15 dwts. to the ton of reef. Immediately a great rush of gold seekers set in, and the town of Johannesburg rose like a mushroom from the veld. Wild speculation ensued, companies were formed to exploit reefs that existed only in the prospectus, and the prices of all shares were rushed up to a mad figure. The great boom of 1889 was not justified either by the amount of development done, or by the means of extraction possessed. The gold was in the ground, but the cost of extraction was prohibitive, while the crude apparatus at the disposal of the miners could secure not more than twenty-five per cent. of the gold contained in the ore. Ruin threatened Johannesburg, and for two years, 1889 and 1890, its fortune trembled in the balance. The introduction of scientific mining and the discovery of chemical methods of extraction saved the Rand.

XVIII.—EFFECTS OF THE GREAT SLUMP.

The slump of 1889 and 1890, however, had the most unexpected and far-reaching political effects. During the good times, the relations established between the new population and the old were of the most cordial description. The Uitlanders, while fortune smiled upon them, found no fault with the Government; and well might that be, for the Boers welcomed the Uitlanders to their country, granted them every facility to pursue their search after fortune, and worked harmoniously with them. But in the dark days of the Slump, with all the world crying out against their betrayal by the Johannesburg Company promoters, the Uitlanders, without real ground, laid the blame at the door of the Boers. The principal charge against the Government was the lack of railway communication within the Republic. As there was a stretch of 250 miles between the Colonial terminus and Johannesburg, only 50 miles of which were within the Transvaal,

the complaint was a somewhat querulous one. It sufficed, however; and those cliques, factions, and communities of various sorts, which regretted the generosity of the British retrocession of the country, began the long campaign of grievance against the Boer.

XIX.—SIR BARTLE FRERE ON' BOER & ALIEN.

The Government had done its best, when, with largely-increased population and deficient rainfall, there was scarcity of food, to meet the absence of railway communication by offering premiums to the transport riders who should first carry provisions into Johannesburg to relieve the distress. Rain came in time to break the famine; but the spirit of discontent, once roused, could not be allayed. The Uitlanders were almost without exception men hastening to be rich, who disliked the simple honesty of the Boer, and resented his possession of so rich a heritage. The picture drawn by Sir Bartle Frere in a despatch to Sir Michael Hicks Beach of April, 1879, fairly represents a condition of society the opposition of character in the components of which was accentuated, not lessened, by time: "If I may judge," he writes, "from the gentlemen composing the deputation" (a deputation of Transvaal Boers), "and others of their class whom I have had the honour of meeting since coming to the Transvaal, the leaders are, with few exceptions, men who deserve respect and regard for many valuable and amiable qualities as citizens and subjects. In simple faith, in fidelity to all obligations of family, race, and kindred, in reverential observance of all scriptural obligations and precepts, as understood by them from the Word of God, which is their sole text-book and written authority, they strongly remind one of the Puritans and Covenanters of earlier days. In education, and in the refinements which go with it, they are obviously behind the better class of Dutch farmers in the old colony who belong to the same original stock. The Transvaal farmer is generally the son or grandson of a 'Voortrekker,' whose descendants have lived, perforce, in the wilderness, far from schools and all means of education; comparatively few have had the advantage of a whole year's schooling of any kind. But this, to my mind, only makes more meritorious the amount of education,

almost self-acquired, to be found among them, and more touching their earnest desire to give to their children advantages in the way of education which have been denied to themselves. The few exceptions are mostly foreign adventurers of various sorts and nations—English, Irish and Scotch, Jews, Americans, Hollanders, Germans, Belgians, and Portuguese, who, though often well educated and naturally able, are rarely men of high character or disinterested aims."

XX.—THE FLAG INCIDENT.

The attitude towards the Government on the part of this section of the community—the undesirable alien—is focussed by the "flag incident" of 1890. In March of that year, Mr. Kruger paid his first visit to Johannesburg in response to a pressing invitation from the leading residents, who desired to thank him for his efforts on their behalf during the period of distress. Mr. Kruger was most cordially received, and although the crowd sang "God save the Queen," it was understood by everyone that this somewhat ambiguous compliment was due to their ignorance of the *Volkslied*—the Transvaal national hymn. In the night-time, however, matters took a serious turn. The *vierkleur*, or Transvaal flag, was hauled down from its place over the chief magistrate's office and trampled under foot. The present writer can bear testimony, and he is glad of it, that the act was not that of an Englishman, but of a German Jew of no national account. The news, however, spread like wildfire over the veld, and the Boers were terribly incensed by an insult which, to their minds, was prophetic of a new attempt against their independence. Mr. Kruger was, as ever, the calming influence, and assured the burghers that the act was entirely attributable to the "long drinks" which were a distinctive feature of Johannesburg life.

XXI.—GOOD FOR EVIL.

Despite the ugly appearance of the "flag incident," and the distrust engendered by it, the Volksraad, in May, 1890, considered measures for the immediate construction of railways, the amendment

of the gold laws in accordance with the representations of the Johannesburg Chamber of Mines, and the extension of the franchise. The construction of railways was authorised by an enthusiastic Volksraad, the Gold Law was amended in a manner that secured a special vote of thanks from the Johannesburg Chamber of Mines, and the political needs of the new-comers were met by the creation of a Second Volksraad, the value of which has been much underrated

XXII.—MR. RHODES'S INFLUENCE.

With Mr. Rhodes's accession to power as Prime Minister of Cape Colony, in the latter part of 1890, came a great change in the attitude of all parties towards the South African Republic. Mr. Rhodes was, at one and the same time, Prime Minister of Cape Colony; chairman of the most powerful money-making corporation in the world, De Beers; managing director of the Chartered Company, and practical autocrat of Rhodesia; and a most powerful member of the Consolidated Goldfields of South Africa, Limited, of Johannesburg. Mr. Rhodes dreamed of a United South Africa, with Cecil John Rhodes as President, and found in the South African Republic his most formidable obstacle. He managed to close the Boers' outlet to the north, permitted by the Convention of 1884, by promising to secure Swaziland (on their south-eastern border) as a Boer possession—a promise which the Imperial Government afterwards indignantly repudiated. Sir Henry Loch, the High Commissioner, assisted Mr. Rhodes in his ambitious schemes, and the Imperial Government was induced to demand the Transvaal's assent to a Convention that limited the Transvaal's prospects of northern extension, and demanded the Transvaal's inclusion in the Customs Union inaugurated by Cape Colony and the Orange Free State. This Convention, called the Swaziland Convention, was accepted by the Boers in deference to representations from the Dutch Party in Cape Colony, but it was expressly stipulated that the articles dealing with the Customs Union should not be put into force.

XXIII.—A GOOD TURN, WITH ILL REQUITAL.

In the following year, 1891, an attempt on the part of a large number of farmers from Cape Colony, the Free State, and the Transvaal, to trek (or migrate) into Mashonaland was opposed by the High Commissioner. Mr. Kruger, always conciliatory, issued the famous proclamation that successfully "damped the trek." Early in 1894, Mr. Kruger came to an agreement with Natal to extend the railway from Dundee, in Natal, to Johannesburg. This threatened the interests of Cape Colony, and once more active opposition was indulged in. The Colony set forth that they had spent over twenty millions in establishing railway communication with Johannesburg. As matter of fact, seventeen millions of that were expended on the railway to Kimberley, which was finished long before the Gold Fields justified a line. The major part of the remaining three millions has been returned by the Orange Free State since it took over the portion of line running through its territory. The Cape Colony has sunk exceedingly little capital in the immediate interests of the Transvaal, but the greater proportion of its railway receipts has been directly due to trade with the Republic.

XXIV.—PARASITIC STATES.

The truth is that the Transvaal gold industry supports South Africa. Were there no Johannesburg, Cape Colony would require to obtain its railway revenue of £1,900,000 from the pockets of its colonists, instead of from those of Transvaal traders. The great ports—Cape Town, Port Elizabeth, and East London, in Cape Colony; Durban, in Natal; Lourenço Marques, in Portuguese East Africa—all owe their prosperity to their trade with the Transvaal, and their revenues to the taxes they impose upon Transvaal miners' goods. The Orange Free State took over the control of the railway through its territory, with the assurance of an annual profit of £500,000 on its line of 150 miles from the through traffic receipts between Cape Colony and the Transvaal. As Mr. Merriman, the present Treasurer-General, speaking then with all the authority of an ex-Treasurer-General, said, when the subject was discussed

in the Cape Parliament in 1896 :—"The financial position of Cape Colony is a paradox. There is at present a substantial surplus, but it cannot last. The Colony is supported by the Transvaal, and if the Republic ever becomes a British Colony, our revenue will at once vanish."

XXV.—THE "COMMANDEERING INCIDENT."

In 1894, the Rand capitalists for the first time aroused themselves to the money-making possibilities of the political situation. They had taken no part in the agitation prior to this date, and had, as has been shown, formally expressed their satisfaction with the Government's consideration for their interests by the resolutions of their Chamber of Mines. In 1894, however, the Transvaal was engaged in suppressing the rebellion of a native chief, called Malaboch, and in the "commando" which was summoned, about one hundred Uitlanders were included. Five of these protested against the attempt to commandeer British subjects. Their case was taken up with avidity by the agitators, and special representations were made to the Transvaal Government by Sir Henry Loch, the High Commissioner. Sir Henry was an energetic administrator, and in full accord with Mr. Rhodes. In his hands the incident was not minimised, but the Transvaal Government pointed to Article XV. of the London Convention (1884) as their authority, and made a graceful act of their agreeing to exempt all British subjects from military service in the future. Article XV., which has already been set out in section XIV. of this pamphlet, read according to a well-established rule of law, implies the right of the Boers to commandeer all those who had established their domicile within the Republic, save those expressly exempted.

XXVI.—THE CAPITALIST INFLUENCE.

Such is the simple history of the much discussed "commandeering incident." It serves to mark, however, the date of the introduction of capitalist influence to the Uitlander agitation, and accordingly possesses an importance outside its immediate influence upon the situation. The storming of Malaboch's stronghold by the

Boers was reported to the Government on June 20th, 1894. . Four days before, Mr. Lionel Phillips had penned a letter to his partner, Mr. Beit, which throws a flood of light upon the agitation and the men who were afterwards to organise it into active rebellion. Mr. Lionel Phillips is a Jew financier, and the active partner in the great Johannesburg firm of Messrs. Eckstein & Co. Messrs. Eckstein & Co. represent the interests of Mr. Beit, the wealthiest of South African millionaires, and the most influential in the financial counsels of Europe. The letter, which is reproduced from the appendix to the Cape of Good Hope Report of the Select Committee on the Jameson Raid (A 2913.5.96) is as follows:—

Copy of Mr. Phillips' Letter.

"MY DEAR BEIT,

June 16, 1894.

"I usually confine my letters to discussing what may be considered the internal economy of our business, but I am making time this afternoon to write to you in a broader sense. We can calculate with a moderate degree of certainty as to the results which will accrue from our various enterprises under existing conditions, but as our interests might be affected frightfully by oppressive legislation or political complications, and as the atmosphere is in anything but a clear state, I think it wise to lay the situation before you. . . .

"I may here say that, as you of course know, I have no desire for political rights, and believe, as a whole, that the community is not ambitious in this respect. . . .

"The bewaarplaatsen question will, I think, be settled in our favour, but at a cost of about £25,000. . . .

"It is proposed to spend a good deal of money in order to secure a better Raad, but it must be remembered that the spending of money on elections has, by recent legislation, been made a criminal offence, and the matter will have to be carefully handled. . . .

"If events fulfil appearances, it means ultimate frightful loss to the industry or revolution. Now of course our mission is to avoid both. The Gold Fields people urged me to go down to Cape Town

and talk over matters with Rhodes. I felt inclined to do this, but two considerations deter me: (1) If it were for a moment conjectured that I had approached Rhodes, I should incur the most virulent revenge from the Government, and perhaps justly, (2) Should I be wise to trust Rhodes' advice?

"Someone has told the Government that the Uitlanders intend to petition their respective Governments to put this country under international control, as Egypt was, and the Government is, I hear, seriously concerned about this. There is of course another possible contingency, viz., an appeal to all the other Colonies and States of South Africa. I was hoping you would come out, as, although there is no immediate necessity for action, we must make up our minds to a policy; at the rate things are marching we cannot remain out of it altogether. Naturally, whatever we do must be done through others, but I do not think the vested interests can afford to let things drift with indifference. If you trust Rhodes, and cable 'see Rhodes,' I will run down. My own feeling is still to wait and watch and spend some money in trying to improve the Raad. The war in the North, if Magato joins, is by no means a foregone conclusion, and I see the English Government is objecting to the commandeering of British subjects, which may lead to complications."

The significance of this early document, copied from the private letter book of Mr. Lionel Phillips, needs but little comment. Mr. Phillips was entirely concerned with the financial interests of his firm, did not desire "political rights," and greatly mistrusted Mr. Rhodes. He was prepared to spend money, but only on the "improvement" of the Raad. The dignity of the Uitlander cause suffers sadly from this exposure of its earliest origin in the business-room of Messrs. Eckstein & Company's "Corner House" in Johannesburg.

XXVII.—MR. CHAMBERLAIN'S ADVENT.

With the appointment of Mr. Chamberlain to be Secretary of State for the Colonies, in July, 1895, a great change came over the scene in South Africa. Almost at once sullen opposition to Boer policy became an active resistance. Within four months of his taking office he sent an ultimatum to the Transvaal Government,

based—or proximately based, for Mr. Chamberlain fell back upon an allegation of general unfriendliness on the part of the Transvaal Government—upon the “drifts” (or wagon-fords) controversy with that Government—a controversy which, being of small importance save for the fact that Mr. Chamberlain founded that ultimatum upon it, and intimately mixed up with the complicated fiscal policy of South Africa, is best merely to mention here, with a record of the fact that Mr. Chamberlain thought fit to command the Transvaal to open their ports of entry—or, in other words, not to close certain wagon-fords or drifts in the Vaal River which, in the course of a railway-rates dispute with the Cape Government, they had given notice of closing—and the Transvaal Government thought well to engage to take no further steps as to the closing of the drifts without consulting the British Government. An account of the matter, founded upon the official reports contained in the British Blue Book, C—8474, and the Transvaal Green Book upon the Drifts Question, will be found in “Paul Kruger and his Times,” by Mr. F. Reginald Statham, who remarks that “in the Parliamentary Blue Book, C—8474, referring to the subject, the real origin of the dispute is concealed as much as possible,” and speaks of the “eagerness with which Mr. Rhodes, and his ministry after him, jumped at the opportunity of bringing about an open breach between Great Britain and the South African Republic”; also of Mr. Chamberlain’s “negotiating with the Cape Ministry” “in the very first days of November, 1895,” “as to the share they were willing to take in a war with the Transvaal,” though, “on the 6th of November,” “at a banquet given” “in London” “by the Agent-General for Natal—a colony which,” says Mr. Statham, “would have been . . . ruined if such a war had been undertaken—Mr. Chamberlain’s utterances breathed of nothing but brotherly love and arbitration.” Mr. Chamberlain, we are somewhat inclined to think, was then, and is now, playing a dangerous game of bluff (if we may use a slang expression of the day) rather than deliberately contemplating war; but a sadly dangerous game that surely is—uttering threats of war, to the exciting of hostile feeling, even if there be not, as there is now, a massing of troops near another country’s frontier to the causing of that country to send troops to face them, with the imminent risk of a frontier incident kindling the flame of war at any moment!

XXVIII.—THE REFORM MOVEMENT.

The story of the Reform movement has never yet been adequately told. Most of it is to be found buried in Blue Books, but the accounts which have reached the public have been prepared by men with very indifferent means of ascertaining the truth, and very considerable imaginative power of placing it before the public. The present writer had special facilities to observe the development of affairs, but the account which follows is as to the first part of it, viz., Section XXIX., in effect an account written by one whose name appears in all the Blue Books upon the Jameson Raid, and the accuracy of whose account was certified by principal actors on the Uitlander side in the crisis of January, 1896.

XXIX.—FINANCE AND POLITICAL ASPIRATIONS.

The Transvaal National Union was an Uitlander organisation that, since 1892, had filled the useful office of debating society upon the Rand. Amateur politicians aired their opinions at its meetings, and the question of Uitlander grievances was academically discussed. In 1895, Mr. Charles Leonard was president. Mr. Charles Leonard was the leading solicitor of Johannesburg, and the legal adviser to the great financial houses. He was the intimate friend, and the repository of the secrets, of the capitalists. For some considerable time—dating from the letter of Mr. Phillips to his partner, Mr. Beit—these capitalists had been secretly supporting and organising the reform movement. They had done this secretly, in order not to prejudice their influence with the Government until the time for a definite *coup* should have arrived. The avowed objects of the agitation were the franchise and the abolition of monopolies. The real objects of the capitalists were more intricate and less suited to open declaration. The time had arrived for the development of deep-level mining, and the great mining corporations recognised that the work could not be undertaken at a profit until a considerable reduction in the cost of working had been secured. Millions of pounds had been spent in sinking shafts and otherwise preparing the ground. Engineers of experience pointed out that at the existing cost of production, these deep-level mines could not realise the values placed upon them. There were also certain rights over “bewaarplaatsen,” and “unproclaimed farms,” that the capitalists

were anxious to secure, but these are of too technical a nature and of too minor an importance to set forth here. The great question was that of cheaper production. The hope was to secure the cancellation of all monopolies, to diminish whatever taxation bore directly upon the mines, to decrease white men's wages, and to introduce a modified form of the "compound system" which prevailed in Kimberley and worked entirely for the benefit of the capitalists.* None of these aspirations it need hardly be said was openly stated, but the "political rights," which Mr. Lionel Phillips had ridiculed in his letter to Mr. Beit, bulked largely in Mr. Charles Leonard's manifesto. It should be said that the active capitalists were the two great groups owning deep levels—the Goldfields of South Africa (Mr. Rhodes' concern), and the Rand Mines (Messrs. Wernher, Beit & Company's undertaking).

XXX.—SIR HENRY LOCH AND THE AGITATORS.

As has been shown, the commandeering incident greatly agitated the people of Johannesburg; and Sir Henry Loch, the High Commissioner, did little to allay feeling. In a letter from Mr. Lionel Phillips to Mr. Beit, under date July 1st, 1894 (Cape Blue Book, A 2913.5.96, Appendix), the prime agitator says, "Sir Henry Loch (with whom I had two long private interviews alone) asked me some very pointed questions, such as what arms we had in Johannesburg, whether the population would hold the place for six days until help could arrive, &c., &c., and stated plainly that if there had been 8,000 rifles and ammunition here he would certainly have come over. He further informed me, in a significant way, that they had prolonged the Zwazie agreement for six months, and said he supposed in that time Johannesburg would be better prepared, as much as to say, if things are safer then we shall actively intervene."

XXXI.—UNION OF GREAT MINING INTERESTS.

Acting on these hints, Messrs. Beit and Rhodes decided upon joint action by the two great mine corporations. By the beginning

* The "compound system" may, I understand, be roughly described as consisting of (1) a system of truck worse than that which has long been illegal in England; (2) restriction to a fixed locality, more strict while it lasts (*i.e.*, the term of service) than with predial serfs; (3) an approach to the old Scotch "pit-and-gallows" jurisdiction, not indeed extending to the power of life and death, but still in effect giving judicial powers open to vast abuse.—F. P.

of October, 1895, an understanding had been arrived at, and the occasion was marked by the appointment of Colonel Frank Rhodes, a brother of Mr. C. J. Rhodes, to be resident manager of the Consolidated Goldfields of South Africa. Another incident which marks the date is the sudden and, at the time, inexplicable fall in the price of Johannesburg shares. Rand mines, which stood at 44 in October, had fallen to 28 in December; other stocks were equally depressed. Each of the six principal Reformers, however, denies that he made any attempt to influence the market or to make money on 'Change upon the agitation.

XXXII.—THE PROJECTED CRISIS.

The intention of the Reformers was to raise a body of 7,000 men in Johannesburg, officered by ex-officers of the British Army. With these at hand it was proposed to hold a meeting in Johannesburg, at which a resolution should be taken to demand reforms from Mr. Kruger, by force if necessary, and, if the meeting were dispersed by the Government, to break out into active rebellion. Johannesburg was provisioned for six weeks, and an ultimatum was drafted, demanding reforms of the franchise and representation in the Raad. The motto was to be that used in the American War of Independence—"No representation, no taxation." The collection of taxes was to have been resisted by force, and the whole revolt was to have been made constitutional by taking a *plébiscite* of the people. The intention was to engineer a revolution, not a rebellion; and to that end everything was to be done under the *vierkleur*, or Transvaal standard, the Union Jack being tabooed by the very mixed collection of Reform leaders, among whom were to be counted Englishmen, Afrikanders, Scotsmen, Australians, Americans, Irishmen, Germans, and a Turk. Charles Leonard, the Chairman of the National Union, was a strong Republican, as was Mr. John Hays Hammond, the American, so that the movement was not in its inception a British or Imperialist movement.

XXXIII.—DR. JAMESON'S PART.

While these plans were being matured in Johannesburg, Dr. Jameson, the Administrator of the territories belonging to the Chartered Company, was asked if he would support the movement

with a force of mounted police from Pitsani Pothlugo in the Bechuanaland Protectorate, to the extreme west of the Transvaal. Between the 20th and 25th of November, Dr. Jameson came to Johannesburg, saw the Reformers, and obtained from them a letter with which he returned to Cape Town. No date was appended to that letter, which was submitted to Mr. Rhodes, the Prime Minister of Cape Colony, for his approval. This letter was granted by the Reformers on the strict understanding that it should not be used by Dr. Jameson until he was actually called upon by the inhabitants of Johannesburg. Dr. Wolff, one of the Reform leaders, afterwards affixed a date without the knowledge of his comrades, and so Dr. Jameson held what he considered a commission to enter the Transvaal whenever he desired. The letter appeared in *The Times* newspaper, on January 1st, with the introduction "Cape Town, 30th December. The following letter, signed by the leading inhabitants of Johannesburg, was sent on Saturday to Dr. Jameson, Mafeking." Extracts cabled back to South Africa, afforded the Reformers the first intimation that their indiscretion had been taken advantage of, and that Dr. Jameson had broken the comity of nations under the pretext of saving the women and children of Johannesburg. The letter in its entirety is as follows, and affords a startling example of the artificial nature of the whole agitation:—

XXXIV.—THE LETTER OF INVITATION.

HOOVER WAR
COLLECTION

"Johannesburg,
"20th Dec., 1895.

"Dr. Jameson,

"Dear Sir,—The position of matters in this State has become so critical that we are assured that at no distant period there will be conflict between the Government and the Uitlander population. It is scarcely necessary for us to recapitulate what is now matter of history. Suffice it to say, that the position of thousands of Englishmen and others is rapidly becoming intolerable. Not satisfied with making the Uitlander population pay virtually the whole of the revenue of the country, while denying them representation, the policy of the Government has been steadily to

encroach upon the liberty of the subject, and to undermine the security for property to such an extent as to cause a very deep seated sense of discontent and danger.

"A foreign corporation of Hollanders is, to a considerable extent, controlling our destinies, and in conjunction with the Boer leaders, endeavouring to cast them in a mould which is wholly foreign to the genius of the people. Every public act betrays the most positive hostility, not only to everything English, but to the neighbouring States as well. In short, the internal policy of the Government is such as to have roused into antagonism to it not only, practically, the whole body of the Uitlanders, but a large number of the Boers, while its external policy has exasperated the neighbouring States, causing the possibility of great danger to the peace and independence of this Republic.

"Public feeling is in a condition of smouldering discontent. All the petitions of the people have been refused with a greater or less degree of contempt, and, in the debate on the franchise petition, signed by nearly 40,000 people, one member challenged the Uitlanders to fight for the rights they asked for, and not a single member spoke against him.

"Not to go into detail, we may say that the Government has called into existence all the elements necessary for armed conflict. The one desire of the people here is for fair play, the maintenance of their independence, and the preservation of those public liberties without which life is not worth having. The Government denies these things, and violates the national sense of Englishmen at every turn.

"What we have to consider is, what will be the condition of things here in the event of armed conflict?

"Thousands of unarmed men, women, and children of our race will be at the mercy of well-armed Boers, while property of enormous value will be in the greatest peril. We cannot contemplate the future without the gravest apprehension, and feel that we are justified in taking any steps to prevent the shedding of blood, and to insure the protection of our rights.

"It is, under these circumstances, that we feel constrained to call upon you to come to our aid should disturbance arise here.

"The circumstances are so extreme, that we cannot avoid this step, and we cannot but believe that you, and the men under you, will not fail to come to the rescue of the people who would be so situated. We guarantee any expense that may reasonably be incurred by you in helping us, and ask you to believe that nothing but the sternest necessity has prompted this appeal.

"We are, yours faithfully,

(Signed)

"CHARLES LEONARD,

"FRANCIS RHODES,

"LICNEL PHILLIPS,

"JOHN HAYS HAMMOND,

"GEORGE FARRAR."

XXXV.—THE ACTUAL CRISIS.

By smuggling rifles from the De Beers Company in Kimberley, Johannesburg was provided with arms to the very inadequate amount of 1,000 rifles, supplemented by 1,500 additional rifles in the days immediately succeeding the crossing of the Transvaal border by Dr. Jameson. When the Reformers found how badly prepared they were for resistance, they telegraphed ordering Jameson on no account to enter the Transvaal. Influenced by his younger officers, relying upon his letter of invitation, and believing that Johannesburg would rise on learning of his advance, Jameson crossed the border at about three o'clock on the morning of Sunday, December 29th, 1895.

The news reached Johannesburg on the afternoon of Monday, and caused consternation among the Reformers. There was nothing for it but to rely upon the great South African panacea—bluff. They gave out that they possessed 25,000 rifles, and so held the Boers at defiance, hoping to be able to terrorise the Pretoria Government into granting terms.

XXXVI.—A CONSPIRACY OF CROSS PURPOSES.

Of the tragic end to the Raid at Doornkop it is unnecessary to write here. Dr. Jameson had also bluffed—bluffed his men by his talk of distressed women and children, and bluffed the Reformers by his promise of 1,500 men and 1,500 additional rifles. The number of actual fighting men at Doornkop was only about 260,

the rest being non-combatants of different kinds. In this curiously melodramatic attempt at revolution, every conspirator's hand was against his neighbour's, each was working for his own interest, and those interests constantly clashed. The result is that the revelations at the different Inquiries astonished no one more than the participants; they learned so many things that they had never suspected to have the remotest connection with the Raid.

XXXVII.—THE END OF THE CRISIS.

So soon as Dr. Jameson's presence within the Republic was known to the Reform Committee, they issued a solemn declaration stating that the Jameson force had crossed the border "without the knowledge of the Committee," and the Johannesburg *Star*, on behalf of the Reformers, disavowed "any knowledge of or sympathy with the entry into the Republic of an armed force from the Bechuanaland side," and assured the Government that they were in no way privy to the step. The publication of their letter of invitation had not then been communicated to them. On Saturday, January 4th, Sir Hercules Robinson, the High Commissioner, arrived in Pretoria from Cape Town, and on Monday had a meeting with the Executive. At that Conference, Mr. Kruger said Johannesburg must surrender its arms unconditionally. The Committee agreed, and the Crisis was at an end.

XXXVIII.—THE RAID PROCLAMATIONS.

Politically, the most important incidents of the Crisis were the various proclamations issued by Sir Hercules Robinson and Mr. Kruger. In consideration of their importance, and the misquotation to which they have been subjected, the principal proclamations are given here with considerable fulness:—

Dr. Jameson Ordered Back.

"Proclamation by" Sir Hercules Robinson, Her Majesty's Commissioner, &c.

"WHEREAS it has come to my knowledge that certain British subjects, said to be under the leadership of Dr. Jameson, have

violated the territory of the South African Republic, and have cut telegraph wires and done various other illegal acts ; and

“Whereas the South African Republic is a friendly State in amity with Her Majesty’s Government; and whereas it is my desire to respect the independence of the said State :

“Now, therefore, I hereby command the said Dr. Jameson, and all persons accompanying him, to immediately retire from the territory of the South African Republic, on pain of the penalties attached to their illegal proceedings; and I do further hereby call upon all British subjects in the South African Republic to abstain from giving the said Dr. Jameson any countenance or assistance in his armed violation of the territory of a friendly State.

GOD SAVE THE QUEEN.

“Given under my hand and seal this 31st day of December, 1895.

“HEPCULES ROBINSON,

“High Commissioner.”

The Price of Bluff.

The boasting statement of the Reform Committee that they possessed 25,000 rifles instead of the 2,500 they really had, cost Johannesburg much inconvenience and annoyance, because, long after the arms had been returned to the uttermost gun, the police continued searching for the “buried treasure.”

The following are the terms of the proclamation in which President Kruger assured the safety of all those who laid down their arms, with the exception of the ringleaders:—

Unconditional Surrender.

“Proclamation by His Honour” S. J. P. Kruger, State President of the South African Republic, with the advice and consent of the Executive Council :

“WHEREAS by resolution of the Government of the South African Republic, dated Monday, the 6th of January, 1896, to all persons at Johannesburg and Suburbs, 24 hours were granted in which to hand over and to lay down to the Government, unconditionally, all arms and ammunition for which no permit could be shown, and

"Whereas the said period of 24 hours has already expired on Tuesday, the 7th January, 1896, and

"Whereas the so-called Reform Committee and other British subjects have consented and decided to comply unconditionally with the resolution of the Government, and

"Whereas sundry persons already have laid down their arms and ammunition, and have handed them over to the Government, and

"Whereas the laying down and giving over of the said arms and ammunition is still proceeding, and

"Whereas it is desirable and proper that this be done as soon as possible, and in a proper way, and that a term be fixed thereto :

"Now I, . . . with the advice and consent of the Executive Council, by virtue of Article 5 of their Minutes, dated 9th January, 1896, proclaim that further time will be given for that purpose until Friday, the 10th January, 1896, at 6 p.m.

"All persons or corporations with whom, after the expiration of that period, arms or ammunition may be found, for which no permit granted by the Government can be shown, will be dealt with according to law, and

"Whereas the laying down and handing over of the said arms and ammunition should have been effected unconditionally :

"Now, I further proclaim that all persons who have already laid down and given over the said arms and ammunition, or who shall have done so before Friday, the 10th January, 1896, at 6 p.m., shall be exempted from all prosecution, and will be forgiven for the misdeeds which have taken place at Johannesburg and suburbs, except all persons and corporations who will appear to be the chief offenders, ringleaders, leaders, instigators, and those who have caused the rebellion at Johannesburg and suburbs.

"Such persons and corporations shall have to answer for their deeds before the legal and competent Courts of this Republic.

"I further proclaim that I will address the inhabitants of Johannesburg to-morrow by a separate proclamation.

GOD SAVE LAND AND PEOPLE.

"Given under my hand at the Government Office at Pretoria on this the 9th day of January, in the year 1896.

"S. J. P. KRUGER,

"State President."

Forget and Forgive.

On the following day, President Kruger issued the famous 'Forget and Forgive' proclamation, which has so often been falsely quoted against the Boers as instance of their perfidy. Its terms are lucid and free from ambiguity, and have been honourably upheld by the Government of the Transvaal.

TO ALL THE RESIDENTS OF JOHANNESBURG.

I, S. J. P. Kruger, State President of the South African Republic, with the advice and consent of the Executive Council, by virtue of Article 6 of the Minutes of the Council, dated January 10th, 1896, do hereby make known to all the residents of Johannesburg and neighbourhood that I am inexpressibly thankful to God that the despicable and treacherous incursion into my country has been prevented, and the independence of the Republic saved, through the courage and bravery of my burghers.

The persons who have been guilty of this crime must naturally be punished according to the law, that is to say, they must stand their trial before the High Court and a Jury; but there are thousands who have been misled and deceived, and it has clearly appeared to me that even among the so-called leaders of the movement there are many who have been deceived.

A small number of intriguers in and outside the country ingeniously incited a number of the residents of Johannesburg and surroundings to struggle, under the guise of standing up for political rights, and day by day, as it were, urged them on, and when in their stupidity they thought the moment had arrived, they (the intriguers) caused one Dr. Jameson to cross the boundary of the Republic.

Did they ever ask themselves to what they were exposing you?

I shudder when I think what bloodshed could have resulted had a merciful Providence not saved you and my burghers.

I will not refer to the financial damage.

Now, I approach you with full confidence; work together with the Government of this Republic, and strengthen their hands to make this country a land wherein people of all nationalities may reside in common brotherhood.

For months and months I have planned which changes and reforms could have been considered desirable in the Government and State, but the outrageous agitation, especially of the Press, has restrained me.

The same men who have publicly come forward as leaders have demanded reforms from me, and in a tone and a manner which they would not have ventured to have done in their own country, owing to fear for the criminal law. For that cause it was made impossible for me and my burghers, the founders of this Republic, to take their preposterous proposals into consideration.

It is my intention to submit a Draft Law, at the first ordinary session of the Raad, whereby a municipality with a mayor at the head would be granted to Johannesburg, to whom the control of the city would be entrusted. According to all constitutional principles, the Municipal Board will be elected by the people of the town.

I earnestly request you, laying your hands on your hearts, to answer me this question: After what has happened, can and may I submit this to the representatives of the people? My reply is, I know there are thousands in Johannesburg and the suburbs to whom I can entrust such elective powers. Inhabitants of Johannesburg, render it possible for the Government to go before the Volksraad with the motto, "Forget and Forgive."

XXXIX.—THE PROMISE OF MUNICIPAL RULE FULFILLED.

Circumstances, which will be explained in their proper place, prevented Mr. Kruger introducing his Municipal Law at the time he had intended; but his promise with respect to this was fully redeemed at a later date. The law, as published in the "Staats Courant," contains the following principal provisions:—

Article 1.—The management of the town of Johannesburg shall be carried on by a Town Council consisting of at the most twenty-four members. The half of the members of this Council shall be burghers of the South African Republic entitled to vote

Article 2.—The Chairman of the Council shall have the name of “Burgomaster,” and shall be appointed by His Honour the State President for a period of five years, and can be thereafter reappointed, but can be dismissed at all times by His Honour the State President. The salary of the Burgomaster shall be paid by the Government. He will, in the daily government of the town, be assisted by two or more Aldermen to be appointed by the Council from amongst its members The Town Council will also have the right to appoint its own town police, subject first to the approval of the Executive Council in consultation with the State Attorney.

Article 3.—The members of the Council are chosen by the male white inhabitants of the town of Johannesburg, who are of age, and who have settled there with the intention of residing at least three months before the date of the election.

- (a) Who are burghers entitled to vote.
- (b) Who are owners of stands or buildings of the value of at least £100, with this proviso, that loss of this property is immediately followed by loss of right to vote.
- (c) Who pay a yearly house, office or room hire of at least £50.

Article 7.—The members will be chosen by the majority of votes cast for them in each ward. The election shall take place by closed voting papers, by ballot.

Article 10.—The position of members of the Council cannot be held by persons who are in the service of the Council, whether they receive a fixed payment or not. No State official can be appointed a member of the Town Council.

Article 28.—The Town Council shall have the right to make all regulations which are required in the interests of safety, public order, morality and health. The Town Council may enter into an agreement for the construction of public works and the delivery of necessaries, but no such agreement may be entered into for a sum in excess of £30, unless tenders are duly called for same. The Town Council shall decide also upon the hiring and leasing of town properties, and concerning the remission or reduction of the rent, if such may be necessary.

Article 32.—The income of the town shall consist of, in addition to the fines mentioned in the sub-clause 29:—

- (a) The tax to be paid by every owner of a stand or portion of a stand or building to be fixed by the Town Council, not to exceed, however, threepence in the £ of the taxed value.
- (b) The rent for the use of town properties.
- (c) The licence for vehicles and theatres, market and pound fees.

Such are the principal provisions of a law which granted to Johannesburg as full and free a self-government as any locality need desire.

XL.—MODERATION AND FORBEARANCE.

The immediate result of Mr. Kruger's proclamations was to draw from the High Commissioner and Mr. Chamberlain expressions of their appreciation of his generosity and magnanimity under most trying circumstances. By forgiving Johannesburg, and handing over the Jameson raiders to their own Government for trial and punishment, Mr. Kruger approved himself a far-seeing and enlightened statesman. As always, he desired the co-operation of the Uitlanders, and endeavoured to obtain it. The High Commissioner, in acknowledgment of Mr. Kruger's clemency wrote:—"I take this early opportunity of testifying, in the strongest manner, to the moderation and forbearance—the great moderation and forbearance—of the Government of the South African Republic under exceptionally trying circumstances." Mr. Chamberlain wrote, "President Kruger's magnanimity, if he were to hand over the prisoners, would be very highly appreciated by me." Again, he wrote, "I myself have always felt confidence in your magnanimity and your honour. You may rest confident that I will strictly uphold all the obligations of the London Convention of 1884."

XLI.—THE CAPE INQUIRY.

The full extent of the Boers' magnanimity may be best realised from a perusal of the finding of the Select Committee appointed by the Speaker of the House of Assembly of Cape Colony, to inquire into the circumstances affecting that colony by the Jameson Raid. The members of that Committee were the Attorney General (Sir Thomas Uppington), Mr. Rose Innes, Mr. Du Toit, Mr. Merriman,

Mr. Schreiner, Mr. Jones, and Mr. Fuller. Their conclusions are more explicit than those of the House of Commons Committee of Inquiry, although no more condemnatory of those taking part in the Raid. The report is included in the Cape Blue Book A 2913.5.96, and contains the following:—

42. With regard to the Chartered Company, your Committee find that the principal officials in Cape Town either knew or were in a position to have known the existence of this plot. Two at least of the directors, Mr. Beit and the Right Hon. C. J. Rhodes, were, together with the Administrator, Dr. Jameson, and Dr. Harris, the South African Secretary of the Company, active as promoters and moving spirits throughout, and they were from time to time kept informed of the preparations.

The date of the inroad was fixed weeks beforehand, and the letter of invitation was obtained four weeks before the ostensible date of signature.

During the month of December the pressure for what was called the “flotation” came either from Pitsani or from Cape Town.

The whole movement was largely financed and engineered from outside, and in both cases certain directors and officials of the Chartered Company of British South Africa were active throughout.

43. As regards the Right Hon. C. J. Rhodes, your Committee can come to no other conclusion than that he was thoroughly acquainted with the preparations that led to the inroad. That in his capacity as controller of the three great joint-stock companies, the British South Africa Company, the De Beers Consolidated Mines, and the Gold Fields of South Africa, he directed and controlled the combination which rendered such a proceeding as the Jameson Raid possible.

It still remains to consider Mr. Rhodes' position with regard to Dr. Jameson's entry into the South African Republic at the precise time when he did. There is no evidence that Mr. Rhodes ever contemplated that the force at Pitsani camp should at any time invade the Transvaal uninvited. It appears rather to have been intended to support a movement from within. In this connection it is important to refer to the telegrams which passed between the confederates between the last few days of December. On the 25th of that month, after the preparations at Pitsani—which had been

made with the approval and concurrence of the Chartered authorities in Cape Town—were apparently complete, some hitch occurred at Johannesburg, the whole nature of which is not clearly shown by the evidence ; but an element in which was doubtless a dispute on the question of hoisting the English flag should the revolution prove successful. The result of this hitch was that those interested at Johannesburg determined to stay proceedings, and despatched Mr. Charles Leonard to Cape Town. He left on the evening of the 25th, and his departure was notified the following day in a telegram from Colonel Rhodes to Charter, Cape Town. A perusal of the messages which were exchanged between Dr. Jameson and Dr. Harris on the 26th, 27th, and 28th December, and with the contents of which your Committee cannot doubt that Mr. Rhodes was fully acquainted, will show that the Chartered authorities in Cape Town were fully impressed, more especially after the arrival of Mr. Leonard, with the advisability of delaying any advance from Pitsani until the Johannesburg confederates were ready. And Dr. Jameson was repeatedly counselled to wait until the arrangements were complete. At the same time there is an absence of any such peremptory command from Mr. Rhodes direct to Dr. Jameson, not on any account to take action, as might reasonably have been expected from one resolutely determined to do all in his power to prevent a subordinate officer from committing a gross breach of the law.

About noon, on the morning of the 29th December, Mr. Rhodes became aware that Dr. Jameson had definitely made up his mind to invade the territory of the South African Republic that evening, and after a conference with Mr. Rhodes, a draft telegram to Dr. Jameson was drawn up by Dr. Harris. More than half of that draft strangely enough has no reference to the contemplated inroad, and is not explained by any evidence before your Committee, but the latter part of it contains a distinct and peremptory injunction on Dr. Jameson not to carry out his contemplated movement on any account, as "I (Mr. Rhodes) most strongly object to such a course." This message could not be sent on the 29th because the line had been cut, nor had communication with Mafeking been restored on the morning of the 30th ; but by noon of that day the damage had been repaired, and the line was open.

The message, however, was never forwarded at all. Upon these facts it would appear that Mr. Rhodes did not direct or approve of Dr. Jameson's entering the territory of the South African Republic at the precise time when he did so, but your Committee cannot find that that fact relieves Mr. Rhodes from responsibility for the unfortunate occurrences which took place. Even if Dr. Jameson be primarily responsible for the last fatal step, Mr. Rhodes cannot escape the responsibility of a movement which had been arranged, with his concurrence, to take place at the precise time it did, if circumstances had been favourable at Johannesburg.

Mr. Rhodes never visited Cape Town at all on Monday, nor did he think it right to communicate the fact of the inroad to his colleagues in the Ministry. The only message actually sent from Cape Town to arrest Dr. Jameson's progress after he had started was the one despatched by the High Commissioner about noon on the 30th December, and the one conveyed through the British Agent at Pretoria, both of which were disregarded.

45. In conclusion, your Committee cannot but express their deep regret that Mr. Rhodes was not present to give to the Committee his own account of the proceedings on which they are instructed to report, the more so as they are reluctantly forced to the conclusion, upon the evidence before them, that the part taken by him in the organization which led to the inroad headed by Dr. Jameson, was not consistent with his duty as Prime Minister of the Colony.

This report was adopted *nem. con.* by the Cape House of Assembly on August 24th, 1896.

XLII.—THE HOUSE OF COMMONS INQUIRY.

The Committee of Inquiry appointed by the House of Commons has been subjected to much adverse criticism on account of the insufficient nature of its investigations. Certain cables, stated to inculcate the Colonial Office, were carefully suppressed, and the open and eager welcome which the Prince of Wales gave to Mr. Rhodes was held to indicate royal approval of a serious crime against international law. However this may be, the fact remains that the Committee's Report contained a very severe condemnation

of Mr. Rhodes and his ill-judged attempt to break the comity of nations in South Africa. The following is a condensed account of the Committee's Report communicated to the House of Commons on July 26th, 1897.

The Committee's Report.

The House of Commons Committee recorded an absolute condemnation of the Raid. It was admitted that grave discontent had for some time existed at Johannesburg, in consequence of the grievances of the Uitlanders. But whatever justification there might have been for action on the part of the people of Johannesburg, the Committee held that there was none for the conduct of Mr. Cecil Rhodes in promoting, with the aid of the troops of the Chartered Company, an armed insurrection against the South African Republic. Although Dr. Jameson crossed the border without the authority of Mr. Rhodes, it was, the Committee considered, always part of the plan that the troops should be used in the Transvaal in support of an armed insurrection. Thus a heavy responsibility rested on Mr. Rhodes, despite the fact that, at the last moment, Dr. Jameson invaded the Transvaal without his direct sanction. Mr. Rhodes concealed his intentions from Lord Rosmead, then High Commissioner at the Cape, his colleagues in the Cape Government, and the Board of the British South Africa Company. Of the directors of the Company, Mr. Beit and Mr. Maguire alone were cognizant of Mr. Rhodes's plans, and as Mr. Beit contributed money to the movement he shared responsibility for the consequences. The Committee held that Mr. Chamberlain and the authorities at the Colonial Office had no knowledge as to the raid, but they felt that Sir Graham Bower and Mr. Newton were not entirely free from blame.

Mr. Rhodes's Responsibility.

The report enumerated the accepted findings by the Committee of the Cape Parliament. It added that the work of the Committee was rendered incomplete by the absence of important witnesses who were available in London. The House of Commons Committee, consequently, were in a position to prosecute the inquiry beyond the point at which the Committee of the Cape Parliament had left it.

An account followed of the evidence given by Mr. Rhodes, with a quotation of that gentleman's own account of his position. It explained that Mr. Rhodes, in the course of his statement, dealt with three points—the influence of the Uitlanders' "grievances" upon his conduct and policy, the direct assertion that Dr. Jameson "went in" without his authority, and the concealment of his views from the directors of the British South Africa Company. There could be no doubt that, in the year 1894 and the early part of 1895, there existed much disquiet among the Uitlanders in Johannesburg owing to the grievances which they considered were inflicted upon them by the law and administration of the South African Republic. It was certain that early in 1895 there was no general contemplation of an armed insurrection for the purpose of overwhelming by force the Government at Pretoria. In June, Mr. Rhodes, with Mr. Beit, formed a plan for organising the discontent at Johannesburg, providing arms and money for the purpose of an insurrection there, and placing a force under Dr. Jameson on the frontier of the Transvaal to assist and support it, Mr. Beit expressly stating that the scheme of the insurrection in Johannesburg, and the armed invasion in its support by Dr. Jameson, originated with Mr. Rhodes. It was not until late in October that Mr. Rhodes arrived at a definite arrangement with the leaders of the insurrectionary party at Johannesburg as to the proceedings to be taken. A quotation followed of Mr. Leonard's statement of the basis of action. Then came a narrative of the arrangements and preparations, as detailed at length in the evidence, including the unlimited credit given by Mr. Rhodes to his brother, Colonel Rhodes, and by Mr. Beit to Mr. Phillips, for such money aid as might be needed by the movement. The arms supplied to the insurgents at Johannesburg were secretly smuggled into the Transvaal through the instrumentality of the De Beers Company, of which Mr. Rhodes was a principal director. The details of these operations were arranged between Dr. Jameson, at Pitsani or Mafeking, and Colonel F. Rhodes, at Johannesburg; but Dr. Jameson was in constant communication with Mr. Rhodes at Cape Town, personally or otherwise, and the most important communications between Colonel Rhodes and Dr. Jameson passed through the Chartered Company's offices at Cape Town, and were known to Mr. Rhodes, who accepted responsibility for what was done.

It may be stated here that it was proved at both Inquiries that the attempted revolution cost Mr. Rhodes, personally, £61,500, which he paid by cheque on the 15th of January, 1896. The whole agitation cost not less than £250,000.

XLIII.—“ WHITEWASHING ” BY MR. CHAMBERLAIN.

Unfortunately, the Report of the Committee of Inquiry was robbed of much of its effect by the speech which Mr. Chamberlain made in the House of Commons upon the evening of the 26th of July, 1897, when he, to use his own words, “dismissed absolutely those charges which made against Mr. Rhodes’s personal honour,” although it had been proved that, as Prime Minister of Cape Colony, Mr. Rhodes had assisted with money and advice an attack upon the integrity of a neighbouring and friendly State; that, as a Privy Councillor, he had encouraged a gross breach of international comity; that, as a member of the Cape Ministry, he had wilfully withheld information from his colleagues in the Cabinet of supreme importance. This official whitewashing of Mr. Rhodes came as a terrible shock to all parties in South Africa, and destroyed the slowly returning confidence of the Boers in the integrity and just dealing of the Imperial Government.

XLIV.—TRIAL AT PRETORIA OF REFORM LEADERS.

In accordance with his Proclamations of 9th and 10th January, 1896, President Kruger arrested the Reform leaders in that month, and they appeared for trial at Pretoria on the 24th of April.

The accused were :—Lionel Phillips, George Farrar, Francis Rhodes, John Hays Hammond, and sixty others, viz., J. P. Fitzpatrick, Robert Mitchell, W. E. Hudson, Wm. St. John Carr, Fritz Mosenthal, Wm. Thos. F. Davies, J. A. Roger, Hans Sauer, D. P. Duirs, A. P. Hillier, A. M. Niven, Charles Mullins, Wm. H. S. Bell, E. P. Solomon, A. L. Lawley, V. M. Clement, C. A. Garland, F. R. Lingham, R. G. Fricker, Walter D. Davies, Philip Du Bois, H. C. Hull, Douglas F. Gilfillan, H. E. Becher, J. S. Curtis, H. J. King, H. B. Marshall, C. Butters, F. H. Spencer, T. Mein, A. Brown, J. Linda Williams, W. H. Brodie, Fredk. Gray, Chas. L. Andersson, Wm. Beachy Head, J. M. Buckland, A. Raphael Goldring, H. F. Strange,

E. O. Hutchinson, Wm. Goddard, Solomon Barnato Joel, Abe Bailey, J. G. Auret, H. A. Rogers, D. M. Dunbar, J. J. Lace, G. Sandilands, R. Bettington, Willem van Hulsteijn, Henri Bettelheim, William Hosken, Max Langermann, S. W. Jameson, George Richards, Frederick H. Hamilton, J. W. Leonard, C. A. C. Tremeer, James Donaldson, A. Woolls Sampson.

All of them answered to their names except J. H. Hammond, Hans Sauer, J. S. Curtis, and A. Woolls Sampson.

Mr. Wessels (advocate for the accused), said with reference to the absentees, that Messrs. Sauer and Sampson were absent through unforeseen circumstances, but would be present on Monday. Mr. Curtis was very seriously ill. Mr. Hammond was also ill; but would be in Pretoria on Sunday evening. After the accused present had pleaded, he should ask for an adjournment in the case of the absent prisoners till Monday.

The State Attorney consented to that course.

On the resumption of the proceedings, Messrs. Lionel Phillips, George Farrar, Francis Rhodes, and John Hays Hammond pleaded guilty to High Treason (Hoogverraad), and all the others submitted the following written plea:—

“We plead guilty to *gekwetste majesteit*, in that we admit that we wrongfully and unlawfully served out guns and other weapons, or caused such to be served out amongst the people there and in the neighbourhood, and further recruited men, or caused them to be recruited, and formed them, or caused them to be formed, into military corps; that we erected, or caused to be erected, entrenchments and other defence works as in count No. 3, though without hostile intent to disturb, damage, or jeopardise the independence and safety of the Republic. We admit that we have committed the acts charged in count 4, except in so far as concerns the removal of the State Police and the entrustment of the judicature to A. Trimble; but without the hostile intent to disturb, damage, or jeopardise the independence or safety of the Republic.”

On the 28th of April, the four Reformers who had pleaded guilty to high treason were sentenced to death, each having first made declaration that he had no legal reason to urge why sentence of death should not be passed upon him. Those who had pleaded

guilty to the lesser charge of *gekwetste majesteit* were sentenced to be "kept in Pretoria Gaol for a period of two years, to be fined in the sum of £2,000 each, or in default to suffer a further term of one year's imprisonment, and on the expiration of this term to be banished from the Republic for a term of three years, confirmation of the sentence of banishment to be left in the hands of the Executive."

XLV.—COMMUTATION OF SENTENCES.

On the following morning the death sentence was commuted, and, in the course of a few weeks, all the Reformers were released on payment of heavy fines, upon signing the declaration appearing in the following translation of an official resolution passed by the Transvaal Executive on May 30, 1896:—

"The punishment inflicted on the following prisoners (here follow the names) is further commuted. The fine of £2,000 inflicted on each one remains in force; the punishment of banishment for a period of three years also remains in force, but the execution thereof is suspended in the case of those prisoners who, having paid the above fine, or having served the year's imprisonment in case of non-payment of the fine, give their written word of honour that they will not take part in the future, directly or indirectly, in the politics of the South African Republic, both internal and external, and will conduct themselves as orderly and obedient citizens of the State in accordance with the law, with this understanding, however, that in the case of any individual prisoner who, in the opinion of the Executive Council, has violated his written word of honour, the punishment of banishment will be carried into effect in such a case. Any prisoner who declines to give his word of honour as stated above, shall, upon discharge from prison, have to undergo the banishment sentence."

Colonel Rhodes refused to sign and was banished. Messrs. Sampson and Davies also refused to sign, and were kept for some months longer, being ultimately freely pardoned by the Government. In this way the Jameson Raid was wiped out so far as Johannesburg was concerned, and the Pretoria Government received the praise of all the civilized world for its clemency under very difficult circumstances.

Unhappily, many of the Reformers have, on the plea that their undertaking was limited to three years, since failed to abstain from taking part in Transvaal politics; and some, according to *The Times* newspaper, are at present busily engaged recruiting a force to be employed against the Transvaal.

XLVI.—TRIAL IN LONDON OF DR. JAMESON AND OTHERS.

In London, after an exhaustive trial before the Lord Chief Justice, with two other judges, the Raid officers were found guilty on July 29th, 1896, of leading an armed expedition against "a friendly State within the meaning of the Foreign Enlistment Act." The following are the questions put to the Jury, with their replies:—

Were the defendants, or any and each of them, engaged in the preparation of a military expedition at Mafeking to proceed against a friendly State—namely, the South African Republic? All.

Did the defendants, or any and which of them, assist in the preparation of such expedition, or aid, abet, counsel or procure in its preparation? All.

Were the defendants, or any and which of them, employed in any capacity in such expedition? All.

Had Her Majesty the Queen, by Her representatives, exercised in fact dominion and sovereignty in the district in which Pitsani Pothlugo is situated? Yes.

In accordance with this verdict, Dr. Jameson was sentenced to fifteen months' imprisonment, Sir John Willoughby to ten months' imprisonment, Major White to seven months' imprisonment, Colonel Grey, Colonel White, and Major Coventry to five months' imprisonment—all without hard labour.

This judgment convinced the Boers of the integrity of the British Courts of Law, and had an excellent effect in South Africa.

XLVII.—INDUSTRIES AND THE RAID.

By the Raid the progress of South Africa has, in general, been retarded by at least ten years. From December, 1895, until

to-day, the trade of the country has been getting more and more depressed, while local distress has proportionately increased. The mining capitalists have lost comparatively little, but the labouring community has been brought to the verge of ruin. The former can hardly complain while the output of gold advances month by month in amount, and the statistics of the industry are as indicated in the following extract from the recently issued annual report of the Transvaal State Mining Engineer:—

£16,240,630 of gold in a year.

The total gold production for 1898 amounted to £16,240,630, against £11,653,725 for 1897, an increase of £4,586,905, or 39 per cent. Taking the world's total production at £57,000,000, the Transvaal's contribution amounts to 28·5 per cent.—considerably more than any other country. The increase is due in a great measure to the additional number of stamps dropped, and improved treatment. Of the Transvaal's total output the Witwatersrand, or Johannesburg mines, produced 93·20 per cent. The mills contributed 65·68 per cent., being a decrease of 0·06 per cent. on the previous year. From chemical treatment 34·29 per cent was derived; of this one-eighteenth, or 5·55 per cent., was due to the treatment of slimes. The average yield per ton of ore was 40·63s., as against 39·96s. in 1896 and 39·79s. in 1897. During the year 514,701 ft. were driven, a decrease as compared with the previous year of 42,706 ft.; 182,267 ft. were sunk, showing an increase of 14,583 ft. on last year's return. During the year the mills crushed 7,861,089 tons of ore (an increase of 2,119,778 tons on last year's figures), while 9,034,792 tons were extracted from the mines. The total yield from the mills amounted to £10,667,385, or 65·68 per cent. of the total output, being an increase of £3,005,599, or 65·53 per cent. of the total increase. The average yield per ton milled shows an improvement of 0·45s., being 27·14s., as compared with 26·69s for the previous year. The chemical treatment yielded £5,568,398, or 34·29 per cent. of the total yield, an increase of £1,579,051, or 34·42 per cent. of the total increase. Of this amount, £4,408,889 was obtained from 5,447,889 tons of tailings treated with cyanide, £635,877 from concentrates, and £308,908 from slimes. Ten mines

treated 131,186 tons of ore direct with cyanide, yielding £133,701. or 20·38s. per ton.

But while the capitalists have suffered comparatively little from their agitation, the general community has (as we have said) had to bear a weary burden of consequences, trade going away from the land, and poor burgher and labouring Uitlander starving while the capitalist rested secure in the enjoyment of his dividends.

XLVIII.—BOER PROTECTIVE MEASURES, INDUCED BY THE RAID.

The Boers, determined to prevent a recurrence of the agitation that so severely tried their commonwealth, have endeavoured to protect themselves by legislative enactments. These have bulked largely in the recent indictments by the South African League and in the despatches of Mr. Chamberlain, but none of them affects the orderly community and few of them have ever been put into practice. With a characteristic ungainliness, the Boer has passed much restrictive legislation which he has no intention of enforcing, but the presence of which on his statute-book adds to his sense of security. The Alien Expulsion Law bulks largely in the diatribes of the fervent Jingoës, but has only once been put in operation — to expel from the country the ruffianly adventurer, von Veltheim, who killed Mr. Woolf Joel, but was discharged on a technicality. The Alien Immigration Law is proclaimed a reactionary measure on every Uitlander platform, but contains no essential difference from the measure introduced by Lord Salisbury into the Imperial Parliament, July, 1894. The Press Law has been freely condemned as a retrogressive measure, but it has not been pointed out that the Attorney-General of the Republic intimated that he would not enforce its more oppressive clauses, neither has it been remembered that, although certain newspapers have been temporarily suppressed under the new law, the suppression could have been given effect to equally under the former unchallenged Law.

This nervous desire to possess the most powerful legislative machinery for dealing with contingencies has furnished the enemies

of Krugerism with welcome opportunities for attack, attacks which, however, are not justified by the conditions prevailing in the State. The Boer almost seems to have taken every opportunity of presenting himself in the worst possible light before the unfriendly eyes of his critics at a distance. If he had time afforded him in which to regain confidence in the Uitlander, he would probably blot out from his statute-book those measures which disfigure it. But, in the meantime, Mr. Chamberlain points with exultant finger to an article which imposed on the members of the old Johannesburg Sanitary Board the necessity in law of conducting their meetings in Dutch. The accusation cannot be met with a denial, but it takes no account of the fact that in practice the only language ever heard at the Board was English; several members could not speak a word of Dutch; and the official reports were inscribed in English. Such instances of the difference existing between the Krugerism of the Statute-Book and that in actual practice might be multiplied to any extent. The accusations only serve to prove that Krugerism is more active as a tool in the hands of clever politicians than as a menace to the Imperial factor in South Africa.

XLIX.—DESPITE THE RAID.

As a matter of fact, the Boers have been most generous in their treatment of a rebellious community. They have granted them a municipality on a scale of great generosity, they have done much to assist the mining industry, and have greatly relieved the burdens imposed by monopolies granted in the early days of the gold rush. No new concession of moment has been granted since the date of the Jameson Raid, and the feeling of the burghers is strongly against those which already exist. The franchise reforms are substantial and existent, and the question of religious disabilities, so far as there are such, has been seriously grappled with by the Raad. In short, in these and other respects, the Boers of their own initiative, and in despite of much provocation to an opposite course; have done much during these last three years to meet the requirements of the Uitlanders.

L.—RAID OBJECT ADVISED BY MR. CHAMBERLAIN TO BE CONCEDED.

There was a mighty harvest of despatches after the Raid, and it seemed for a short time as though the crisis had wrought good in the chastened spirit of Mr. Chamberlain's diplomacy. But on February 6th, 1896, he astonished the world by recommending Mr. Kruger to grant Home Rule to the Rand, making of it, not a mere municipality, with such self-rule as we associate with municipal freedom, but a self-governing community with few responsibilities to Pretoria. Not only did this proposal to yield to the capitalists the very terms they had sought to secure with arms in their hands amaze the Boers, but the publication of the despatch in London before its receipt in Pretoria was deemed an insulting breach of diplomatic etiquette. For the first time, the Boers seriously distrusted Mr. Chamberlain; and the suspicion then aroused has grown with time until now the Colonial Secretary's personality, or the impression naturally formed of it, is, perhaps, one of the most serious obstacles to settlement. The Transvaal Government in very plain terms repudiated Mr. Chamberlain's right of interference, and rejected his naive proposal. Much has been conjectured as to Mr. Rhodes's responsibility for this despatch. Whether he influenced it or not cannot yet be positively stated, but so much is certain:—The proposal expressed an ambition of Mr. Rhodes exactly, and on the day of its despatch Mr. Rhodes was closeted with Mr. Chamberlain at the Colonial Office.

Had the proposal been adopted by the Boers, it would have given the Rand over to the capitalists, and made of Johannesburg a second Kimberley, with all its political and commercial servitude.

LI.—STRAININGS BY MR. CHAMBERLAIN OF CONVENTION, 1884.

On the 27th of March, 1895, Mr. Chamberlain had made his first great attempt to juggle with the terms of the London Convention of 1884. He held that an extradition convention negotiated with the Portuguese Government should have been submitted to Her Majesty for approval, under Article IV. of the London Convention. The Transvaal Government replied that they were awaiting the ratifica-

tion of the Convention by the Cortes before submitting it to the British Government. Mr. Chamberlain, having consulted with Lord Salisbury, replied that "it would be better that in future all treaties with Foreign Powers should be communicated to Her Majesty's Government prior to their formal approval by the Volksraad." Mr. Chamberlain, strong in Lord Salisbury's approval, pursued his advantage, and demanded an "explanation of this failure to comply with the terms of the Convention."* On August 21st, 1896, a protest was made by the British Agent against the Aliens Expulsion Law, 1896, as a breach of the London Convention. On December 15th, Mr. Chamberlain returned to the attack in respect of the Aliens Immigration Law as a breach of Article XIV. of the Convention. On 24th February, 1897, objection was taken to the working of the Press Law in the suspension of the *Critic* newspaper as a breach of the Convention.

* In connection with Mr. Chamberlain's impression that there had thus been a failure to comply with the terms of the Convention, may be noticed a mistake in the table of contents to the Blue Book C—3947, to which he would not unlikely turn for the terms of the Convention of 1894, where a letter from Lord Derby, of 3rd March, 1884, to the Transvaal Deputation is described as "stating that Her Majesty's Government consent to waive the provisions of Article IV. of the new Convention so that the Deputation may be enabled to treat personally with the Governments of the Netherlands and Portugal," when in truth the letter should have been described as "stating that Her Majesty's Government consent *to treat as already in operation*, though ratification by the Volksraad has not yet been obtained, the provisions of Article IV. of the new Convention, so that the Deputation may be enabled to treat personally with the Governments of the Netherlands and Portugal." Mr. Chamberlain's impression may, perhaps, whether influenced by that mistake or not, have had somewhat of a common origin with it. The mistake in the table of contents—a mistake which most persons acquainted with the general character of the work of our Government Departments would probably say was a very unusual one—had its origin, perhaps, partly in the awkward wording of Article IV. of the Convention, 1884 (consisting, not unlikely, as has often been the case with a section of a statute, of a clearly drawn clause, *plus* an amendment, or amendments, incorporated into it while under discussion, without due care to harmonize the language of the amending and original parts with each other), partly in stress of work leading to oversight of material words, and clauses of documents. And Mr. Chamberlain's impression, on which he based the demand above appearing, would be formed not only on that awkwardly-worded Article, but also, perhaps, under circumstances pretty closely akin to those which may have led to that descriptive mistake.—F. P.

In a long despatch of March 6th, 1897, Mr. Chamberlain replied to Dr. Leyds' contention that the Aliens Immigration Law was merely a police law designed for the peace and protection of residents within the Republic. The law empowered the State's officers upon the frontier to prevent the entrance of all such aliens as could not "show affirmatively that they had the means or ability to support themselves." It was designed to diminish the influx of pauper and criminal aliens who were flooding the State and creating distress in the towns. As has already been pointed out,* the law conformed in form and intention with the measure introduced by Lord Salisbury to the British Parliament in July, 1894. Dr. Leyds had replied most temperately to Mr. Chamberlain's despatch, explaining the object of the law, and the conditions of society prevailing in the State, and offering to give effect to any suggestions which Her Majesty's Government might make for a practical measure more to their liking. Mr. Chamberlain refused to assist the Republic, and merely repeated his contention that the law transgressed the Convention. The Volksraad subsequently (in the same year, 1897) suspended the law; so doing, however, it would seem from an official statement in the Volksraad on 10th June, 1898, not at all as an admission that the law was contrary to the London Convention, but in order to give time for coming to an arrangement on the matter with the neighbouring States, especially, of course, the most powerful of those States, the British.

In that despatch of March 6th, 1897, Mr. Chamberlain went over various matters in dispute, instancing not only the Aliens Immigration Law, but also the Aliens Expulsion Law, and the Press Law, as breaches of the Convention. Up to this time, inclusive, the word "suzerainty" had never been introduced into the discussion, neither had the Convention of 1881 been treated either in whole or in part as an existent instrument.

LII.—"SUZERAINTY" CLAIMED TO BE STILL EXISTING.

On October 16, 1897, Mr. Chamberlain, for the first time, despite the long correspondence in connection with the Convention, in

* See Section XLVIII. of this pamphlet at p. 65.

which, apparently, every argument felt to be available had been adduced by him, claimed suzerainty on behalf of the British Government.

"By the Pretoria Convention of 1881," he now wrote, "Her Majesty, as Sovereign of the Transvaal Territory, accorded to the inhabitants of that territory complete self-government subject to the suzerainty of Her Majesty, Her Heirs and successors, upon certain terms and conditions, and subject to certain reservations and limitations set forth in 33 Articles; and, by the London Convention of 1884, Her Majesty, while maintaining the preamble of the earlier instrument, directed and declared that certain other Articles, embodied therein, should be substituted for the Articles embodied in the Convention of 1881. The Articles of the Convention of 1881 were accepted by the Volksraad of the Transvaal State, and those of the Convention of 1884 by the Volksraad of the South African Republic.

"Under these Conventions, therefore, Her Majesty holds towards the South African Republic the relation of a suzerain who has accorded to the people of that Republic self-government upon certain conditions, and it would be incompatible with that position to submit to arbitration the construction of the conditions on which she accorded self-government to the Republic."

The remainder of the despatch deals with the question of arbitration rather than with suzerainty itself, and the consideration of it may be postponed.

LIII.—ANSWER BY DR. LEYDS TO CLAIM OF SUZERAINTY.

Under date April 16th, 1898, Dr. Leyds, the Transvaal State Secretary, answered Mr. Chamberlain's despatch. Dr. Leyds' answer contained the following:—*

* I have condensed the language of the verbatim extracts in this part of Mr. Story's MS. Dr. Leyds' despatch is worded with marked courtesy and temperateness, and my abbreviation of the extracts, I fear, does much injustice to it in those respects at least. His despatch has not, I think, been published, officially at least, in this country. The Dutch text of it, with date, "6th" April, 1898, appears to be No. 34 of the Transvaal Green Book, No. 2, 1898. A printed translation of it before me is marked "R.A. 2081/97."—F. P.

"3. The most important proposition in the" despatched under reply† "is that regarding the existence of a suzerainty over the Republic, a proposition now for the first time since the London Convention raised in an official despatch from Her Britannic Majesty's Government.

"To prevent misunderstanding, and before setting forth objections, this Government" repeats that it is prepared fully to abide by that Convention of 1884.

"4. As an introduction to the suzerainty question, this Government desires to premise that, by 'suzerainty,' Her Majesty's Government can only refer to such suzerainty as is constituted by, and defined in, the Pretoria Convention of 1881.

"On such basis, therefore, are founded the objections of this Government which, in its opinion, perfectly justify the conclusion that there is no suzerainty since the Convention of 1884.

"6. In the year 1883, a deputation was sent to London with a view to obtain the abolition of the suzerainty. This deputation negotiated a new Convention in 1884, from which the word 'suzerainty' and the stipulations in regard thereto were removed.

"In their report, published in 1884, the deputation stated that the new Convention put an end to the British suzerainty.

"Acting on that report, the Volksraad ratified the London Convention. In support of these statements the following annexures are attached hereto:—

- a. Letter of the deputation to Lord Derby.
- b. Report of the deputation (extract).
- c. Ratification, 1884.

Broad difference between the two Conventions.

"7. In the Pretoria Convention, to which the deputation objected, the term 'suzerainty' appears. In the London Convention the term has disappeared. This disappearance cannot be accidental. The omission was deliberate; one of the parties had objected to it, and it was excluded. This contention entirely accords with the letter of the deputation to Lord Derby, of 15th February, 1884. From that letter it appears that the deputation

† which was itself a reply to a despatch of 7th May, 1897, from the Acting State Secretary of the Transvaal Government,

tion expected the draft then being prepared by his Lordship to contain an agreement between the deputation and his Lordship relative to the abolition of the suzerainty

"The deputation says, 'In connection herewith we would respectfully submit to your Lordship's consideration whether it would not be possible to have the other Articles of the new Convention, namely, those referring to the abolition of the suzerainty and to the reduction to its legal proportions of the debt of the Republic, simultaneously drawn up and communicated to us, in order to accelerate the complete settlement of the matter.'

"Lord Derby's reply, dated 15th February, 1884, sending the deputation a draft of the new Convention, shows that the method of omitting obnoxious provisions was the one deliberately adopted.

"His Lordship says:—

[Quotation then follows of words which we have already set out in Section XIII., beginning with: 'By the omission of those Articles.']

Declarations of the Parties and their Representatives.

"That the whole of the old Convention was to be superseded by the new one, appears moreover from the declarations of the parties, which can be confirmed by the President, then a member of the deputation, and, above all, from the correspondence which will be referred to later on.

"8. There are also other circumstances which must not be lost sight of.

"In his despatch of 25th February, 1896, to the High Commissioner, the President, in giving reasons for wishing to discuss the question of superseding the London Convention, with reference, *inter alia*, to the violation of the territory of the Republic,* gives as his concluding reason: 'Because [of]† the name alone‡ and the

* Dr. Jameson's Raid, of course, is here meant, but the reader may, as I did, have failed to perceive it at once.—F. P.

† The word "of" had, I presume, been left out by mistake; time pressing, I insert it, within brackets.—F. P.

‡ I suppose "in itself" is meant.—F. P.

continual arguments on the question of suzerainty which . . . are being used as a pretext to maliciously incite . . . white and coloured people against the authority of the Republic.'

"At the present juncture, these words, taken with the despatch under reply, are of much greater significance than hitherto.

"A few lines further down, the same despatch from the President reads: 'When discussing the superseding of the Convention in its entirety, Article 4 should, of course, not be left out of discussion.'

"What was then asserted by the President, namely, that the suzerainty had ceased to exist since the Convention of London has, up to the date of the despatch under reply, not only never been repudiated by Her Majesty's Government in subsequent communications to this Government, but, on the contrary, the Government find from such subsequent correspondence every reason to believe that, at the time, the Secretary of State fully shared this conception.

"In his telegram of 5th March ensuing, to the High Commissioner, he observes at the commencement: 'Her Majesty's Government reciprocate friendly assurance of President, and believe that if he accepts invitation to visit England, a satisfactory settlement of all pending questions will be possible; at the same time, His Honour must not be allowed to undergo fatigue and inconvenience of a journey to London without fully understanding views of Her Majesty's Government.'

"And further, in the 3rd paragraph, he says: 'But President must clearly understand that Article 4 of the existing Convention must form part of any new Convention or treaty.'

"As already stated above, Article 4 is the only Article in which reference to suzerainty could most suitably have been made, and although the Secretary of State specially mentioned this Article, he did not, in the whole of his telegraphic despatch, nor later on, make any reference to the position embodied in the statement of the President, the position, namely, that after the Convention of 1884 the suzerainty ceased to exist.

"About a year previous, Mr. Buxton, then Under Secretary of State for Foreign Affairs, referred in the House of Commons to a statement of Mr. W. H. Smith, in which the latter gave an interpretation of the existing relations between England and

the Republic, in which the British Government concurred. The words of Mr. Smith referred to by Mr. Buxton are the following :—

“The Convention of London, made in 1884 between Her Majesty and the South African Republic, contains no express reservation of the Queen’s right of suzerainty, and although Her Majesty retains under the Convention the power of refusing to sanction treaties made by the Republic with foreign States and nations, and with certain native tribes, it is a cardinal principle of that settlement that the internal Government and legislation of the Republic shall not be interfered with.”

“This Government would also refer to the declaration of Sir Hercules Robinson, made shortly before his demise, in an interview with the editor of the *Saturday Review*, and there published. Her Majesty’s Government have, if necessary, better opportunities than this Government of ascertaining the correctness of these utterances, but the statements so fully accord with the grounds here put forward, and the words of Sir Hercules Robinson, he being himself one of those who signed the Convention, appear to be of so much weight, that they must be quoted :—

“‘People in England insist,’ said Mr. Harris to Lord Rosmead, ‘that the suzerainty was implied in the 1884 Convention as it was explicit in that of 1881; is this true?’

“Lord Rosmead replied, according to the published report, literally as follows: ‘Well, I ought to know, as I drafted it. The meaning of “suzerainty” was withdrawn, and the word left out purposely. Kruger was not content with the 1881 Convention, because of the claim to suzerainty, and we meant to withdraw the claim in 1884. What’s the good of claiming more power than you have got?’

“This Government further coincides with the view expressed by the Marquis of Salisbury, in his telegraphic despatch to the President, communicated in a telegram of the High Commissioner, of 15th February, 1896, in reply to a telegram from this Government of 10th of the same month. The Marquis, referring to ‘the complete independence enjoyed by the Republic, subject to the London Convention of 1884,’ states that ‘he accepts in all their fulness the arrangements made with the Republic by the London Convention of 1884

Evidence from Altered Relations.

"9. That the suzerainty established by the 1881 Convention was abolished as a result of the 1884 Convention, also becomes clear when the altered relations between the British Government and the Republic since the 1884 Convention are taken into consideration.

"The rights of suzerainty under the 1881 Convention can be classified as follows :—

"1. The incompetency of the Republic to take direct action in negotiations with foreign powers.

"2. The control by the British Resident of external and certain internal affairs.

"3. The right of conducting British troops through the territory of the Republic.

"Dealing with these different points consecutively, the Government come to the following conclusions :—

"*Ad primum*.—The incompetency of the Republic to carry on direct negotiations with a foreign power is reduced to the obligation to submit their foreign treaties to the approval of Her Britannic Majesty; the right of disapproval only to be exercised within six months, and in case such foreign treaty should be contrary to the interests of Great Britain or of one of Her Britannic Majesty's possessions in South Africa.

"All powers of negotiation mentioned in Lord Kimberley's despatch of 31st March, 1881, and in Article 2 of the 1881 Convention as belonging to Her Majesty's Government, are again vested in the Republic.

"Since 1884, the continual practice as [to] exercising the rights of the Republic, for instance, in the appointment of diplomatic and consular representatives, has been incompatible with the existence of a suzerainty.

"The Government of the Republic has appointed consular officials even in Great Britain, and the British Government has granted exequatur to those officials; but not only that, there is a stronger fact, the British Government has appointed consular officials in the Republic, and has applied to the Government of this Republic for the exequatur of these officials. This fact also shows

clearly that the consequences of the abolition of the suzerainty have, since 1884, been accepted by the British Government.

“*Ad secundum.*—The British resident who was appointed under the 1881 Convention, and who possessed great power of control over the external and some of the internal affairs of the Republic, disappears after the 1884 Convention.

“This point is important as to the suzerainty when the duties of that resident, as described in the 1881 Convention, are considered.

“*Ad tertium.*—The power to conduct troops through the territory of the Republic disappears by the omission of the Article in question.

“From these considerations it appears that all these points under the suzerainty existing before 1884 have been reduced to the obligation to act in accordance with Article 4 of the London Convention as regards the conclusion of treaties or engagements.

“Under that Article 4, the Republic negotiates with foreign powers without consulting Her Britannic Majesty, and concludes treaties without such consultation, the only obligation imposed upon it in this respect, according to the clear statement of Lord Derby, being embodied in the stipulation that no treaty with a foreign power shall be of force without the approval of the Queen.

Established Rules of Interpretation.

“10. In the rules of interpretation of international agreements, Woolsey says, *inter alia*, ‘If two meanings are admissible, that is to be preferred which is least for the advantage of the party for whose benefit a clause is inserted, for in securing a benefit he ought to express himself clearly. The sense which the acceptor of conditions attaches to them ought rather to be followed than that of the offerer.’

“‘Odious clauses, such as involve hard conditions for one party, are to be understood strictly, so that their operation shall be brought within the narrowest limits.’

“The bearing of these rules on the existence of suzerainty is clear.

“If the British Government had wished to retain the suzerainty in the Convention of 1884, as well as in that of 1881, it would have had to come to a distinct understanding on that subject

"Such obligations of the Republic as do exist, must be distinctly defined, but on no account by mere interpretation of the Secretary of State.

"Whereas it appears to the Government that the Secretary of State denies the application of the principles of International Law to the interpretation of the London Convention, they desire in this connection still to point out, that, as they have been informed, the above-mentioned rules of construction are identical with those adopted by the Courts of Justice of England in respect of all agreements.

The Two Conventions closely compared.

"11. This Government now submits a comparison of the text of the Conventions of 1881 and 1884; to which it is led more especially by the technical contention in the despatch under reply that the preamble of a previous Convention remains in force, although all the Articles of the old Convention have been replaced by new ones.

"In the 1881 Convention, express reference is made to suzerainty as well in the preamble as in the Articles. In the 1884 Convention, no reference is made to suzerainty either in the preamble or in the Articles.

"If a suzerainty was intended, the question arises why no allusion was made to it in Article 4, the only Article in which such reference would have been appropriate. In Article 18 of the 1881 Convention, reference is made to the High Commissioner as 'representing the suzerain.' In the 1884 Convention, no reference is made to the approval of the Queen in Her capacity as suzerain. This omission was evidently expressly made.

"Whenever any stipulation of the 1881 Convention was meant to be preserved, it was reinserted in the 1884 Convention.

"Reference to Article 13, 14, and 15 of the 1881 Convention, and to Article 8 and 19 of the 1884 Convention, will distinctly bear out this fact, from which follows that the 1881 Convention was abolished in its entirety.

"The text of the preamble of the 1884 Convention shows that it was not the intention merely to alter the Articles of the 1881 Convention (and to allow the preamble of 1881 to remain in

force), but to have the Convention altered in its entirety. The preamble of 1884 makes no mention of 'New Articles' but of 'the following Articles of a new Convention.'

"The preamble of 1884 expressly acknowledges a new State; no mention is made in it of the 'Transvaal territory' subject to the suzerainty of Her Majesty—as is the case in the preamble of the Convention of 1881—but of the 'South African Republic' without further description.

"The old preamble of 1881 *can* no longer be in force, otherwise two preambles would exist, that of 1881 and that of 1884, in direct opposition to each other and at the same time in force.

"The provision made in the last part of the preamble of 1884 that as long as the new Convention shall not be ratified, 'the old Convention shall continue in full force and effect,' can have no other meaning than that after the ratification of the new one, the old one ceases to have effect.

Lord Kimberley on Suzerainty.

"12. Now that the alleged suzerainty has been considered from the point of view of the text of the Conventions, the Government still wish to submit it to another standpoint.

"The extent of the suzerainty existing under the 1881 Convention was defined in the despatch (already quoted) of the Earl of Kimberley of 31st March, 1881:—In that despatch it is stated that 'entire freedom of action will be accorded to the Transvaal Government, so far as is not inconsistent with the rights expressly reserved to the suzerain Power.

"'The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of Government, subject to reservations with reference to certain specified matters.'

"Consequently if suzerainty had continued to exist under the Convention of 1884, the only rights which could have been claimed by the British Government would have been such as were '*expressly reserved to the suzerain Power with reference to certain specified matters.*' Her Britannic Majesty's Government would not have been justified as a result of the vagueness of the word 'suzerainty' in claiming for themselves vague right.

Understanding with Lord Derby.

"13. This Government now wishes further to prove incontestably that the statement of the Secretary of State for the Colonies, in par. 21 of his letter under reply, that the preamble of the Convention of Pretoria of 1881 has been retained, is founded on a misunderstanding.

"This Government is in possession of a Declaration by Messrs. Kruger and Esselen, respectively member of and secretary to the deputation of 1884, stating that it was expressly agreed upon verbally with Lord Derby that the suzerainty was to be abolished.

"But there is more. This Government has the written evidence in its archives that Lord Derby himself proposed that the preamble of the 1881 Convention should be abolished.

The Draft Convention, 1884.

"In Lord Derby's letter (already referred to) of 15th February, 1884 (Blue Book C—3947, page 43), his Lordship sends to the Deputation a draft of *the new Convention*, which Her Majesty's Government propose *in substitution for the Convention of Pretoria*. This draft was not printed in the Blue Book, but the original is still in the possession of this Government.

"A true copy of the first page is affixed as an annexure to this letter. It is so clear in itself, that it seems unnecessary to add one word thereto.

"Indeed, this page gives in printed form in succession, first the preamble of 1881 and then the preamble of 1884.

"At the head is to be read the note: '*The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*'

"Now, the preamble of 1881 is 'within a black line' and is thus omitted. No conclusion can be clearer.

"There is still more. The last page of the '*draft*' sent by Lord Derby shows most distinctly that his Lordship meant to have the suzerainty abolished. A true copy of the last page also accompanies this letter as an annexure.

"That page above referred to indicates the concluding portion of the 1881 Convention; and the following words therein appearing,

viz.: '*subject to the suzerainty of Her Majesty, Her Heirs and Successors*,' have been crossed out by Lord Derby.

Authorities on International Law.

"14. After all that has already been set forth, this Government has no desire to refer to various authors, as it is in a position to do, but confines itself to the statement that most eminent jurisconsults on International Law support it in its contention that there is no longer any suzerainty in existence."

LIV.—NO GROUND FOR SUZERAINITY CLAIM.

Since these two despatches the suzerainty question has made no progress towards settlement. Mr. Chamberlain has stuck closely to his claim, and the Transvaal Government have never wavered in their assertion of complete independence, subject only to Article 4 of the Convention of 1884. Sir Alfred Milner, betrayed into a momentary frankness, stated that the question was of "etymological rather than of political interest"; and Sir William Harcourt, Home Secretary in the Ministry that granted both Conventions, so recently as September 20th, in a speech already referred to in Section XV., bore testimony that it was not the intention of the British Government of that time to retain the suzerainty, and that the only limitation to the Republic's sovereignty was contained in Article 4 of the 1884 Convention—evidence which is fatal to British claims, and, taken in conjunction with Lord Derby's letter of February 15, 1884, to the Transvaal deputation, a letter already referred to in Sections XIII. and LIIL, entirely destroys Mr. Chamberlain's carefully constructed case; as Sir William Harcourt said, "the substance to us was the giving authority to this country over the foreign relations of the Transvaal, and the substance to the Boers was giving them complete independence in the management of their affairs," an understanding to which, we may add, the Boers have been honourably true. The two Governments, however, are hardly, if at all, any nearer to agreement upon the suzerainty question than when Dr. Leyds' despatch was written.

LV.—THE EDGAR CASE.

In the closing days of December, 1897, an incident occurred in Johannesburg which has gained enormous prominence in the mouths of the South African League and Sir Alfred Milner. A man named Edgar, having knocked a man unconscious, retreated to his room, where he was followed by a policeman. The policeman, who possessed no warrant but believed the injured man to be dead, strove to arrest Edgar, who resisted with an iron-shod stick. The policeman, in fear of his life, fired and killed Edgar. Such an incident might have occurred in any country at any time, but, happening as it did in Johannesburg, it was at once magnified into an international crime—Boer police, it was said, were permitted to assault and murder British subjects at pleasure. Sir Alfred Milner, in his much-noticed despatch of May 4, 1899, referred to the Edgar case as "the most striking recent instance of arbitrary action by officials," and it was made a matter of official inquiry. As the direct issue changed, however, the Edgar case dropped out of sight as a *casus belli*, and the conflict waged round the franchise and suzerainty questions.

LVI.—MR. KRUGER'S SPEECH AT HEIDELBERG.

While the discussion was still waging fiercely round the Edgar case, President Kruger, on March 18th, made a historical speech at Heidelberg, in the course of his annual tour through the outlying districts of the Transvaal. The following is the report cabled by *Reuter's Agency*, on March 19th:—

"PRETORIA, MARCH 19th.—President Kruger returned here on Saturday from Heidelberg, having made an important speech on his arrival there. He said that he would declare his future policy regarding the appointment of a State Financier, the Dynamite Question, Underground Mining Rights, and the Franchise.

"THE FINANCIAL ADVISER.—On Friday afternoon, the President addressed a large public gathering. The following is a summary of the official report of his speech. President Kruger said that he intended to obtain the services of a financier of the best European reputation, who would have a seat and an advisory voice and a vote in the Executive Council on all matters financial. Pending the

report of such an expert, the Government did not intend to levy any fresh taxation either as regards the mining industry or the burghers.

"MINING RIGHTS.—Regarding underground mining rights, the President expressed the opinion that surface holders had a preferent right over ground holders. He would, therefore, propose to the Volksraad that it should reconsider its resolution of last year, so that such rights should not be sold to outsiders, but that after a fair valuation had been made, the present companies, who were surface owners, should be given preferent rights to ground owners. Otherwise he was afraid speculators might drive up prices in order to keep the present surface holders out of their rights.

"THE FRANCHISE.—Dealing with the franchise, President Kruger said that the law now stipulated for a residence of fourteen years before full burghership can be obtained. Two years' residence was required before papers of naturalisation could be taken out; then two more years before residents were eligible for the Second Raad, and a further ten years before an alien could vote or be eligible for the First Raad. The President said that he would propose to the Volksraad in the coming May Session to reduce the last period of ten years to five, so that an alien entering the State after the law had been amended would only have to wait nine years for the full franchise instead of fourteen, while aliens who were already in the Republic and had resided over two years in the country could claim full burgher rights within seven years. This, of course, was contingent on aliens first of all taking an oath of allegiance to the Republic, which oath should be on the same lines as the one required in the United States of America."

LVII.—MR. CHAMBERLAIN'S COUNTERBLAST.

This speech of Mr. Kruger's was recognised as the forerunner of sweeping reforms, and the moderate men of the Republic hailed it with joy. It astonished them, therefore, to learn that immediately on receipt of the cable just quoted, Mr. Chamberlain, from his place in the House, on March 20th made a speech nominally conciliatory but, in reality, virulently attacking Mr. Kruger. In the course of this speech he made a remark which, in the light of after events, is very significant. He said, "If Her Majesty's Government were to take

the course which the hon. member (Sir Ellis Ashmead-Bartlett) seems to suggest, the Uitlanders would be the first to quarrel with us, and to say that Her Majesty's Government had interfered when they had not been asked to interfere." Within a few days he was provided with a petition carrying 21,000 Uitlander signatures requesting his interference on their behalf. The news of Mr. Kruger's speech, Mr. Chamberlain's counterblast, and the Uitlander petition all came within the same week. On March 24th, Mr. Kruger replied to Mr. Chamberlain in a speech at Rustenberg, in the course of which he said it seemed as though Mr. Chamberlain were anxious to prevent his making peace with the Uitlanders.

LVIII.—INDICTMENT OF THE BOERS.

Strong in the possession of a monster petition, Mr. Chamberlain, assisted by Sir Alfred Milner, now commenced a bitter contest with the Transvaal. To strengthen Mr. Chamberlain's hand, Sir Alfred Milner, on May 4th, telegraphed a lengthy indictment of the Boers, going over the Edgar incident, the industrial agitation, the danger to British interests, and the franchise claim. Mr. Chamberlain replied, on May 10th, with a still more voluminous list of grievances for Sir Alfred Milner's edification, and, having thus brought their policies into complete accord, Mr. Chamberlain closed by proposing a Conference at Bloemfontein.

LIX.—THE BLOEMFONTEIN CONFERENCE.

The Conference between Mr. Kruger and Sir Alfred Milner took place at Bloemfontein in the first days of June, 1899. Its result may be best expressed in the language of the official despatch issued by the Transvaal Minister Plenipotentiary.

"BRUSSELS, June 7.—The following despatch, dated Pretoria, 6th inst., has been received by Dr. Leyds, the Diplomatic Representative of the South African Republic:—

"The Conference between President Kruger and Sir Alfred Milner has terminated. On the British side stress was laid upon the franchise and the dynamite questions; while on the Transvaal side arguments were put forward in regard to the franchise question, the incorporation of Swaziland with the Boer Republic,

the payment of the indemnity demanded on account of the Jameson Raid, and the adoption of the principle of arbitration for the settlement of differences between the two countries.

"The High Commissioner did not insist in regard to the dynamite question, and President Kruger on his side did not insist upon the Swaziland demand. Regarding the Jameson raid, the High Commissioner stated that a despatch was on its way from the British Government proposing the settlement of the matter by arbitration.

"With regard to the franchise, the High Commissioner proposed :

"(1) That the number of years for the acquisition of the franchise should be fixed at five, with retroactive effect ;

"(2) That the naturalisation oath should be modified ;

"(3) That a fair representation should be granted to the new population, and

"(4) That naturalisation should immediately carry with it the full right to vote.

"The President, on the contrary, proposed :

"(1) That the length of sojourn necessary for naturalisation should be fixed at two years, while the full franchise should only be acquired five years after naturalisation.

"(2) That every person established in the country prior to 1890 should have the franchise in two years' time.

"(3) That the mining population should be more largely represented, and

"(4) That one of the conditions of obtaining naturalisation should be the possession of real property having a value of at least 150 pounds sterling, or the occupation of a house of a letting value of at least £50, or the enjoyment of an income of at least £200 per annum.

"(5) That another condition of obtaining naturalisation should be to give proofs of having possessed civic rights in the country where the person concerned lived previously ;

"(6) That the formula of the oath should be similar to that used in the Orange Free State ;

"(7) That all proposals of the President should be subject to the acceptance by the British Government of the principle of arbitration on the differences between the two countries.

"The High Commissioner regarded the proposals of the President concerning the franchise as insufficient. The Conference was afterwards closed.

"The President intends to submit the different proposals to the Volksraad, subject to a favourable decision of the British Government relative to arbitration.

"The discussion was conducted in very friendly terms."

LX.—ILL-TIMED PUBLICATION OF BELLICOSE DESPATCHES.

Mr. Kruger returned to Pretoria anxious to introduce a measure of practical reform into the Raad. No sooner had he arrived home than the news reached him of the publication in London of the very bellicose despatches from which we have quoted, and which passed between Sir Alfred Milner and Mr. Chamberlain prior to the Conference. Their publication at this time lent additional colour to the suspicion that Mr. Chamberlain desired war rather than peace.

LXI.—THE REFORM BILL.

So soon as the Volksraad met, in the beginning of July, it set to work to draft a Reform Bill in accordance with the spirit of Mr. Kruger's promise made at Heidelberg.

The following is the outline of the Bill which was passed into law:—The following Executive resolution has been approved of and passed by the First Volksraad of the South African Republic. The Executive Council, having taken the draft law on the franchise into consideration, resolves to recommend the following amendments:—

(1) All persons not wishing to become naturalised in the manner as set forth in the draft law (that is, after two years' residence to qualify themselves as voters for the Second Volksraad), can obtain the full franchise by taking the oath of allegiance after seven years' residence, reckoned from the date of their giving written notice of their intention to become burghers of the State.

(2) Persons who have permanently resided in the Republic before the passing of this Act can obtain naturalisation with full franchise and burgher rights after nine years' residence, or five

years after the present law comes into force, provided that not less than seven years have elapsed since they took up their residence in the Republic.

“(3) The power of the Government to grant naturalisation and full franchise to persons who have not fulfilled the conditions of this law is limited to the case of officials and persons who have rendered public services to the country.

“(4) Male children of aliens born in the State have the right to become naturalised, and to receive the full franchise on attaining their majority.

“(5) The provision that the full franchise is dependent upon naturalisation in the land of former residence is hereby abolished.

“(6) In cases where the Field Cornet is not in a position from personal knowledge to grant a certificate of naturalisation or full franchise he shall be bound to do so upon production of a sworn declaration, made by the applicant and four prominent fully enfranchised burghers of the ward or district, to the effect that the applicant has resided in the ward or district during the time required by law, and that he has been obedient to the laws and faithful to the independence of the country.

“(7) Provision is made as to what dishonouring sentences disqualify persons from obtaining naturalisation.

“Several provisions of minor importance follow, which, with the above amendments, were approved of by an almost unanimous vote of the Volksraad to be incorporated in the draft law already approved of by the Volksraad.

“The representation of the gold fields will in terms of Law No. 12 of 1887 be increased by four members in each Volksraad in such a manner as will be set forth at a later date, although in time to enable those persons who in terms of this law will have obtained the full franchise this year to take part in the elections of the said new members.”

PRETORIA, July 7.—The Volksraad resumed its secret session this morning and sat again this afternoon. The Government message to the Raad on the franchise question was in substance as follows:—

“The Executive resolves to submit to the Volksraad modifications concerning the franchise.

"The oath on naturalisation to be optional after two or seven years' domicile (*sic*).

"Notice of application for burghership to be given at the beginning of the period of seven years required for admission to burghership.

"Persons who came to the country before the present law is passed to obtain the franchise in nine years from the time of their arrival, or five years after the law is passed, provided that the period of their residence is not less than seven years.

"Others only to obtain the franchise if they are officials or have rendered service to the country.

"Children of aliens to have the full franchise on reaching their majority.

"It shall be unnecessary for an applicant for the burghership to prove the enjoyment of the franchise in his previous country.

"In cases where the Field Cornet and the Landdrost do not know the applicant for burghership, the affidavit of himself and four burghers to be necessary to prove residence.

"The nature of any dishonouring sentence to be specified.

"The Volksraad to revise the registration law, and also that relating to the election of the President and Commanding General.

"Four new members to be assigned to the gold fields.

"Those entitled to the franchise this year to be allowed to vote.

"The Volksraad resolved to refer the proposals to a commission of five members with instructions to draft a law.

"The Raad approved the spirit of the Government's franchise proposals. There were two dissentients against abolishing the naturalisation clause. The law, as it now stands, was very nearly anticipated in my telegram of yesterday, with the difference however, that the retrospective force has been altered, the franchise being given for nine years' retrospective residence to those who came in from 1890 to 1895, others obtaining it in seven years. The stipulations are not very clear, although the idea evidently is to make past residence count up to 1897, while only those who have been in the country since before the law of 1890 was passed are to be made burghers immediately."—Reuter.

LXII.—HANDS TO THE PLOUGH.

On July 28th, in the House of Commons, a great Transvaal debate took place on the consideration of the Estimates. Lord Salisbury, Mr. Chamberlain, and other influential members of the Ministry, took occasion to state in varying language that the Government had "put its hand to the plough and would not draw back." Beyond that there was little definite information given to Parliament, and the session closed with a lamentable want of finality about the Government's demands.

The Transvaal Government afterwards reduced its terms to a five years' franchise on consideration that the controversy concerning the suzerainty should be dropped. Mr. Chamberlain would not yield this, and the offer was dropped. At a series of Cabinet meetings, whose determinations are fresh in the minds of the public, the Transvaal difficulty was discussed, and at the last of these, held on Friday, September 29th, it was decided to formulate Great Britain's demands in a despatch that would be a practical ultimatum. Consequently, we are face to face with the prospect of war with the Boers. No new thing has arisen in the course of the Government's investigations, and the question remains—Where is the justification for war with the Boers?

LXIII.—THE DANGER TO SOUTH AFRICA.

Mr. Chamberlain has, it would seem, if he is to be judged by his acts, sought to manœuvre the Boers into a position of menace, but unsuccessfully. He still possesses no "casus belli" that would satisfy international opinion in favour of any war whatever; and it must further be remembered that such a "casus belli" as might ordinarily justify Great Britain's taking warlike action will not suffice in the Transvaal, if a great racial war from the Zambesi to Table Bay is to be avoided. In Cape Colony are many thousands of the same stock as the Transvaal Boer who, while regretting perhaps his ultra-conservatism, sympathise with his struggle for independence. These Dutch Afrikanders live, it is true, a contented existence as subjects of Her Majesty; but that is, to a considerable extent at least, because they have a potent voice in the Cape Parliament, while the shadow of Downing Street falls but lightly on the Colony.

LXIV.—AFRIKANDER FEELING.

Under these circumstances, therefore, and with innumerable family ties binding them to the people of the Transvaal, nothing but the clearest justification for our going to war can effectively ensure their remaining neutral in the event of war between Great Britain and the South African Republic. They glory in the existence of the two Republics, and love to dwell on the fact that the identity of the first settlers is not yet swallowed up in that of the new population. This affection for the Transvaalers, borne by a great section of the colonial population, has never been fully realised at home, and has been kept carefully in the background by those Cape politicians who have desired to emphasise the distinction between the settlers in the Republics and those to the south of them. It is a fact which must not be lost sight of, however; and there are thousands of men voting regularly for members of the Cape Assembly who are at one in principles and religion with the Boers of the Transvaal, and many of whom will be disposed to take up arms in defence of the Transvaal if a movement be made against the Republic which does not fully appear to them to be just.

LXV.—ORANGE FREE STATE CO-OPERATION.

Since the Jameson Raid the Dutch Afrikaners, generally, have been brought to contemplate more closely their kinship with the Boers, and there has been a marked tightening of the bonds throughout South Africa. And if we take note of what has happened, in particular, in the Orange Free State, where recent legislation is the truest indication of popular feeling, we find that a number of Acts antagonistic to the Uitlander have been passed: the period of residence necessary to obtain the franchise has been greatly extended, the oath of allegiance has been made a compulsory accompaniment of naturalisation, extraordinary votes for arms and ammunition have been passed by an economical Volksraad, Customs Union proposals from Cape Colony have been rejected, and the Republic has taken over the control of the railway which had been till then considered a Cape Colony property. Even more significant was the fact that at the time of the Jameson Raid crisis a wider

application was given to the Potchefstroom Political Alliance between the two Republics than had ever been contemplated in forming it, and 1,600 burghers were commandeered to watch the border, while rifles and men to the full extent of the Free State's resources were offered to the Transvaal. These definite results in the Orange Free State of the Jameson Raid were in Cape Colony represented by shoals of resolutions of sympathy, and offers of armed assistance from the Dutch farmers in every quarter of the country. It was only the prompt action of the High Commissioner of that time, Sir Hercules Robinson, in repudiating Dr. Jameson, and the calming attitude of Mr. Hofmeyr, the respected leader of the Afrikaner Bond, that prevented armed demonstrations throughout Cape Colony in the early days of January, 1896.

LXVI.—IS THERE A CASE FOR WAR?

War with the Transvaal means, in all probability, war with South Africa, and the jeopardising of one of our Empire's most important strategic positions. Has the history of our existing differences with the Transvaal shown that the war would be other than a war of criminal folly? If we are in the right, why should we fear Arbitration?

THE TRANSVAAL COMMITTEE,
TO PROTEST AGAINST WAR WITH THE
TRANSVAAL.

This Committee has been formed for the purpose of spreading accurate information, by means of Lectures, Meetings, the Circulation of Literature, &c., on the matters at issue between the two Governments, and to show that there is no question affecting the honour or interests of the Empire which calls for War.

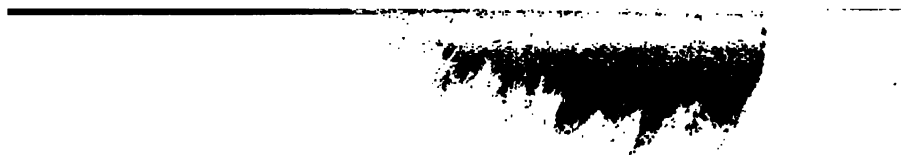
The Committee will be glad to send Literature, or to arrange for Lectures, and they desire the adhesion and subscriptions of those who favour its objects.

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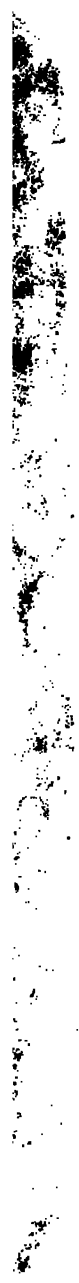














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